

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, MAY 17, 2011, AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM LOCATED IN THE GOVERNMENT CENTER, 1255 FRANKLIN STREET, SUITE 104, ROCKY MOUNT, VIRGINIA.

THERE WERE PRESENT: Charles Wagner, Chairman  
 Russell Johnson, Vice-Chairman  
 Ronnie Thompson  
 David Cundiff  
 Wayne Angell left @ 5:30 P.M.  
 Leland Mitchell  
 Bobby Thompson

OTHERS PRESENT: Richard E. Huff, II, County Administrator  
 Christopher Whitlow, Asst. Co. Administrator  
 Larry Moore, Asst. Co. Administrator  
 B. J. Jefferson, County Attorney  
 Sharon K. Tudor, MMC, Clerk

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 Charles Wagner, Chairman, called the meeting to order.  
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Invocation was given by Supervisor Bobby Thompson.  
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Pledge of Allegiance was led by Supervisor Russ Johnson.  
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**PUBLIC COMMENT:**

Reba Dillon, representing, the Building Professionals of Franklin County, shared with the Board the following letter and requested an open door policy between the county officials and building professionals:

The building professionals of Franklin County would like to ask you to look into some major problems we have with the building inspections department. We have compiled a list thru two public meeting and a round table discussion with Rick Huff where the various tradesmen have voiced their problems and concerns. In some instances we have provided the solutions that we would like to see.

The citizens of Franklin County deserve the cell phone numbers of the inspectors that the tax payers provide. All of the surrounding counties provide their inspectors cell phone numbers. So many issues that turn into problems can be resolved with a simple phone call before, during, or shortly after an inspection.

There is a huge problem with all of the inspectors being on different pages when it comes to enforcing the building codes. Depending on which inspector you are working with dictates which way you have to do things. One of the most common complaints is the inconsistency of the inspectors. Somehow you must get them all on the same page.

The tradesmen would like to be called before some inspections take place so that they could be present. It cost the tradesmen money sitting on a job site all day waiting for an inspection. It also really makes them mad if no one shows up after they have sat there and waited all day for the inspector.

We would like for footers to be given priority inspections first thing every day. Also we would like to have until 8:30am to get our inspection request in for the same day inspection.

All of the inspectors need to allow the builders to install the house wrap as they build the house rather than wait until after the framing inspection. It is very dangerous installing house wrap from a ladder. It is no reason that the inspectors can't ask the builder to cut a hole in the house wrap to make sure that the braced wall panels are nailed correctly.

The plan review process takes entirely too long. One week should be more than enough time in the current economic condition. Today we still have builders waiting two and three weeks for permits.

We want the answering machine cut off during the day and want a real person to answer the phone during office hours. The answering system is not user friendly and a lot of the times the people you leave a message for never get it. If you talk to a real person you know that the inspection request is taken care of. Also the problems with the answering machine need to be addressed and fixed.

On behalf of the inspectors the computer system needs to be fixed. It takes them too many steps to put the information in the system when they complete an inspection. With the money that the tax payers have invested (several hundred thousand dollars) the system should operate smoothly and a whole lot more efficiently. Maybe the county needs to look into bringing in the software representative that we bought the system from to train us how to use the system or to install the proper software we need to get the job done more efficiently.

Some of the inspectors need to be reminded that they work for us the taxpayer not the other way around. The same ones also need lessons in customer service and manners. With that being said the tradesmen realize that this is a two way street. The inspectors deserve to be treated with respect and professional courtesy as well. We are afraid if this issue is not addressed immediately with some of the inspector's disagreements and foolishness that a major situation could arise. That would not be beneficial to anyone and we want the county to be notified of the tensions with builders and some inspectors.

The building inspector's office needs to inspect boat docks when a final is called for by the builder rather than waiting for APCO to tell the county to inspect it. It can take APCO three to four weeks to tell the building inspectors office to inspect. This time delay cost the builder money and possibly could put the boat dock owner in danger. As soon as that dock is complete the home owner is going to us it with or without a final inspection. If something is wrong with the wiring somebody could get killed and hopefully a prompt inspection can eliminate that threat. Surrounding counties inspect the docks as soon as an inspection is called for by the builder not APCO.

Inspectors need to work better with the tradesmen to solve problems. Some of them have the attitude that it is there way or no way. A lot of the codes can be interpreted more than one way or have multiple right answers. That is where we need a little give and take from both sides.

Why does Franklin County enforce the braced wall panel so differently from surrounding counties? We are a big joke in other counties. The answers we get from the building department are that Franklin County is doing it like the state wants it done. If this is the case how come all the surrounding counties have not gotten in trouble with the state?

Our inspectors need hands on training in building trades. We will give them credit they know the book. Lewis Turner is the only inspector we have with any building experience. It could be very beneficial to allow the inspectors to spend some time on the various construction sites from time to time to watch different tradesmen work and ask them questions or to answer questions for the tradesmen. It would be time well spent to build a relationship with the tradesmen and allow both parties to get a better understanding of what each is doing good and bad.

All Franklin County building officials need to be fully trained in wall bracing. All the inspectors need to know how to do plan reviews. Four inspectors doing plan reviews instead of one could speed the process up. Also they could better help contractors on the job who are still struggling with wall bracing. If the inspectors knew what to look for that would allow builders to make changes on the fly rather than have to go back for plan review when a change is made. Currently all they know to look for is what is on the approved braced wall plan.

Why can't all problems be caught during the first plan review? Some plans are being reviewed three and four times before a permit can be issued. That cost builder's time and money.

When a plan has been reviewed and either has problems that need addressing or has been approved call the builder and let him know. There have been several instances where valuable time has been lost by the builder because he did not know he had a problem with his plan or that his permit was ready.

Planning and zoning needs to be looked into as well. It takes entirely too long to get commercial project thru the system.

How many bosses are involved with the building department's day to day operation? One individual needs to run the department. That individual needs to be the department head. Administration needs to stay out of it unless a serious issue arises that requires their attention. Leave the department head alone and let that individual do their job.

Once a quarter a public meeting at night needs to be set up with the head building official to meet with tradesmen to get feedback. Learn what the inspectors are doing well at and to learn what areas need improvements. The head official also could give the various tradesmen a heads up on new changes in the department or new code changes. In our meeting with Rick Huff the other night he promised us that these meeting would be required for the new inspector to hold. Please see to it that these occur.

Last but not least there is a major problem in this county with unlicensed and uninsured contractors. Somehow this issue needs to be addressed. Just owning a pickup truck and a ladder does not make you contractor. This takes money out of a legitimate tradesmen pocket. These guys carry insurance and a license to protect the homeowner and it is costly. We have all heard the horror stories associated with non licensed contractors.

The above list is some of the major issues that we feel need addressing immediately. We also would like to see some form of tradesmen panel involved in the hiring process for the new head building official. All the tradesmen fill that that it is very important that the new building official have some type of field building experience. We don't want somebody that is just book smart. The new official needs to have strong leadership skills and be personable and outgoing. Most importantly the new official needs the support and authority from administration to do whatever is necessary to get everyone in the building department working together on the same page. If new people need to be brought in to accomplish this that is what we want done. This department has been a three ring circus for too long and it needs to be corrected.

All of the building professionals of Franklin County hope you take our concerns seriously and address all of these problems. We are a growing organization and getting stronger everyday and we will be watching carefully to see that our concerns are being addressed. However we do realize that some of our request will take time and have to be addressed by the new building official, but some of these issues can be and need to be addressed immediately. Thank you for listening and please act swiftly to resolve these issues.

Sincerely,  
The Building Professionals of Franklin County  
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**CONSENT AGENDA**  
**APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS &**  
**MINUTES FOR – APRIL 19 & 26, 2011**  
**APPROPRIATIONS**  
None  
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**AMATEUR RADIO WEEK PROCLAMATION**  
**Franklin County, Virginia, Proclamation**

**WHEREAS**, Amateur Radio operators are celebrating over a century of the miracle of the human voice broadcast over the airwaves; and

**WHEREAS**, Amateur Radio has continued to provide a bridge between peoples, societies and countries by creating friendships and the sharing of ideas; and

**WHEREAS**, Amateur Radio Operators have also provided countless hours of community services throughout these decades; and

**WHEREAS**, these Amateur Radio's services are provided wholly uncompensated; and

**WHEREAS**, the State also recognizes the services Amateur Radio's people also provide to our many Emergency Response organizations, including the American Red Cross, Franklin County Department of Public Service, Virginia Department of Emergency Services, Virginia Emergency Operations Center; and

**WHEREAS**, these same individuals have further demonstrated their value in public assistance by providing free radio communications for local parades, bike-a-thons, walk-a-thons, fairs and other charitable public events; and

**WHEREAS**, the County of Franklin, Virginia, recognizes and appreciates the diligence of these "hams" who also serve as weather spotters in the Skywarn program of the US Government Weather Bureau; and

**WHEREAS**, Amateur Radio once again proved its undisputed relevance in the modern world in 2005 by providing emergency communications when other systems failed in the devastation of Hurricanes Katrina and Rita in the USA and in the Tsunami catastrophe overseas; and

**WHEREAS**, the ARRL is the leading organization for Amateur Radio in the USA; and

**WHEREAS**, the ARRL Amateur Radio Field Day exercise will take place on June 25-26, 2011, and is a 24 hour emergency preparedness exercise and demonstration of the Radio Amateurs' skills and readiness to provide self supporting communications without further infrastructure being required; now

**THEREFORE, WE**, the Franklin County Board of Supervisors, do hereby officially recognize and designate June 19-26, 2011 as **Amateur Radio Week in Franklin County, Virginia.**

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### **BEDFORD COUNTY MUTUAL AID AGREEMENT**

Mutual aid agreements exist among localities to aid one another during times of crisis when demands on local resources exceed the capacity of the locality. Franklin County relies on mutual aid agreements to provide fire and EMS services to remote areas of the county where assistance from a neighboring county is able to provide emergency services faster due to their departments proximity to the county border. The Virginia Department of Emergency Management recommends that mutual aid agreements be reviewed every 5 years and new agreements be adopted when necessary. In September 2010, staff presented proposed mutual aid agreements to the Board of Supervisors for approval, pending approval from our neighboring jurisdictions. Instead of adopting the version sent from Franklin County, Bedford County submitted a copy of a mutual aid agreement that they prefer.

Staff conducted a review of the mutual-aid agreement submitted by Bedford County and has no reservations regarding its adoption. The agreement was submitted to County Administration and to the County Attorney for review. No changes were recommended except to correct several typographical errors noted by the County Attorney. The major difference between the original agreement and the proposed Bedford County agreement is that the proposed agreement contains more specific definitions and duties of responding mutual-aid providers. The proposed agreement will maintain current operational standards and there will be no reduction in services to citizens.

Once approved by the Franklin County Board of Supervisors, this agreement will be in effect as the Bedford County Board of Supervisors has already agreed to the terms and conditions. Upon adoption, the agreement will be included as an annex to the Franklin County Emergency Operations Plan.

### **RECOMMENDATION:**

Staff respectfully recommends adopting the proposed mutual aid agreement between Bedford and Franklin Counties.

## **BEDFORD/FRANKLIN REGIONAL AGREEMENT FOR EMERGENCY FIRE & EMS SERVICES**

**THIS AGREEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the **BOARD OF SUPERVISORS of the COUNTY OF BEDFORD, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, and the **BOARD OF SUPERVISORS of the COUNTY OF FRANKLIN, VIRGINIA**, a political subdivision of the Commonwealth of Virginia;

### **W ITNESSETH:**

**WHEREAS**, the parties to this Agreement have previously adopted resolutions

authorizing participation in the Statewide Mutual Aid Program, which was developed to assist localities to more effectively and efficiently exchange services and resources, especially in response to a *major disaster or state- or locally-declared state of emergency*; and which program is intended to be supplemental to day-to-day mutual aid agreements between adjacent or nearby localities; and

**WHEREAS**, the parties hereto have determined that the provision of Emergency Fire and EMS Services across jurisdictional lines in accordance with such a local mutual aid agreement will increase the ability of the parties to preserve the health, safety, and welfare of the citizens of each of the localities involved; and

**WHEREAS**, VA. CODE ANN. §27-2 and §27-4 (Repl. Vol. 2004) and VA. CODE ANN. §44-146.20 (Repl. Vol. 2002) authorize local governments to establish and carry into effect a plan to provide mutual aid;

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions herein contained, the parties hereto agree as follows:

### **Section 1. Definitions.**

The following terms shall have the meaning ascribed to them below, unless the context clearly requires a different meaning:

**Emergency** ----*A serious, unexpected situation or occurrence requiring immediate response by fire and/or emergency medical services.*

**Mutual Aid Agreement** -- *An agreement between two or more jurisdictions to provide assistance in the form of personnel, equipment or expertise upon request, one to the other, (a) once the requesting jurisdiction has depleted its resources or is in imminent danger of depleting its resources as the result of incident demands and needs additional resources to mitigate the incident, and/or resources to respond to additional calls-for-service in its jurisdiction while it is engaged in other emergency response activities, or (b) in the event that specialized personnel, equipment or expertise needed to respond to a particular fire or medical emergency is not available in the requesting jurisdiction.*

### **Section 2. Procedure for Request/Provision of Mutual Aid.**

When an actual or threatened emergency exists within the boundaries of any of the parties hereto, as a result of, or due to the imminence of fire, rescue/EMS incident, flood, tornado, hurricane, hazardous materials accident, severe storm, or other emergency incident that supersedes the party's ability to mitigate successfully, the affected party shall notify the other party to this Agreement of such emergency and its need for emergency aid or assistance. Such request may be made by orally communicating a request for mutual aid assistance to an authorized representative of a party to this Agreement, specifying the nature, extent, and location of the requested assistance. When contacted by a requesting party, such authorized representative shall immediately assess local resources to determine available personnel, equipment and other assistance and advise the requesting party. Assistance shall be rendered according to the procedures established in the Operation Plan developed and agreed upon by the parties to this Agreement, pursuant to the provisions in Section 3 herein.

Each party shall designate an official or officials empowered to request assistance under this Agreement. The designated official(s) shall also be the person to whom the requesting jurisdiction shall direct its notice of need for emergency aid or assistance. Officials authorized to request and render mutual aid assistance hereunder are designated in Attachments B and C of this Agreement.

### **Section 3. Operation Plan.**

The mutual aid assistance to be rendered under this Agreement shall be provided in accordance with the Operation Plan submitted hereto as Attachment A, which provisions are incorporated herein by reference. The plan shall outline procedures to be followed in responding to a request for assistance, and for the process of revenue recovery if applicable. The parties shall annually review this Agreement and, if necessary, propose amendments to procedures in requesting assistance. Any proposed amendment shall not be effective until approved by written

memorandum by the governing bodies of the parties to this Agreement.

Any party to this Agreement requested to render mutual aid assistance shall take such action as is necessary to provide and make available the resources covered by this Agreement in accordance with the provisions hereof; provided that it is understood that the party rendering aid may withhold resources to the extent necessary to provide reasonable protections within its own jurisdiction.

#### **Section 4. Governmental Immunity and Responsibility.**

(a) It is understood that for the purpose of this Agreement, the assisting party is rendering aid once it has entered the jurisdictional boundaries of the party requesting assistance.

(b) When the assisting party is operating under the terms of this Agreement on any call beyond the corporate limits of its jurisdiction, it shall be deemed to be operating in a governmental capacity, and subject only to such liability as it would be if it were operating within the corporate limits of its own jurisdiction. The requesting jurisdiction assumes no liability for the actions of the agents of the assisting jurisdictions, nor does the assisting jurisdiction assume any liability for the actions of the requesting jurisdiction.

(c) This agreement shall not be construed to impair or affect any sovereign or governmental immunity or official immunity from liability that may be enjoyed by any officer, agent, or employee of the parties of said Agreement.

(d) Notwithstanding any other provisions of this Agreement, the services performed and expenditures made under this Agreement shall be deemed to be for public and governmental purposes. The requesting jurisdiction will be responsible for replacing any expended consumable supplies, either borrowed from another jurisdiction, or consumed in the course of rendering aid by the assisting party.

#### **Section 5. Indemnification and Insurance.**

(a) As provided for in VA. CODE ANN. §27-2 (Repl. Vol. 2004), each party to this Agreement agrees to waive any and all claims against all the other parties hereto which may arise out of their activities outside their respective jurisdictions under such Agreement.

(b) Each party to this Agreement shall be responsible for its own actions and those of its employees and is responsible for complying with the Virginia Workers' Compensation Act, as it may be applicable to each party.

(c) Each party to this Agreement shall be responsible for its own actions and is responsible for complying with the Virginia motor vehicle financial responsibility laws. Each party hereto agrees to obtain automobile liability coverage with a limit of at least \$1,000,000 combined single limit and coverage for owned, non-owned, and hired vehicles, or maintain a comparable self-insurance program. It is understood that the local government may include in the emergency response volunteer companies that have motor vehicles titled in the name of the volunteer company. It is the responsibility of each party to this Agreement to determine if the volunteer company has appropriate liability coverage as outlined in this section.

(d) To the extent permitted by law and without waiving sovereign immunity, each party to this Agreement shall be responsible for any and all claims, demands, suits, actions, damages, and causes for action related to or arising out of or in any way connected with its own actions, and the actions of its personnel in providing mutual aid assistance rendered or performed pursuant to the terms and conditions of this Agreement. Each party hereto agrees to obtain general liability, public official's liability and law enforcement liability, if applicable, with minimum single limits of no less than \$1,000,000, or maintain a comparable self-insurance program.

(e) Each party shall provide sufficient evidence of coverage provided in the form of a Certificate of Insurance or Letter of Credit, or certify in writing that it maintains a comparable program of self-insurance.

#### **Section 6. Employee Benefits.**

(a) All the immunities from liability and exemptions under laws, ordinances, and

regulations which the party's firefighters, rescue or emergency medical technicians or attendants, agents, and employees have in their own jurisdiction shall be effective in the jurisdiction to which they are giving assistance.

(b) All pension, relief, disability, Workmen's Compensation and other benefits enjoyed by said employees in their own jurisdiction shall extend to the services they perform under this Agreement outside their respective jurisdictions.

**Section 7. Supervision and Control.**

(a) When providing assistance under the terms of this Agreement, the personnel, equipment, and resources of any assisting party will be under the **operational control** of the requesting party, which shall advise supervisory personnel of the assisting party of work tasks, for assignment to personnel. Direct supervision and control of personnel, equipment, and resources shall remain with the designated supervisory personnel of the assisting party. However, in the event that an authorized representative of the requesting party is not present at the site of requested assistance or is otherwise not immediately available to supervise, then, in accordance with VA. CODE ANN. §27-23.9 (Repl. Vol. 2004), the commander of the first company to arrive shall have general supervision and control of all participating companies and departments until an officer of the requesting political subdivision who is otherwise authorized by law to do so shall assume such general supervision and control.

(b) The parties shall notify each other of the title of the official(s) authorized to direct mutual aid activities within the requesting jurisdiction.

(c) Officers, employees, agents, and volunteers shall comply with the operational policies of their respective agencies. The parties agree to hold their own officers, employees, agents, and volunteers responsible and accountable for compliance with established operational policies of their respective departments.

**Section 8. EMS Revenue Recovery.**

The parties of this Agreement recognize the need for emergency medical services cost recovery in regards to ambulance transportation. Either party providing an emergency medical services transport unit (ambulance) to respond to the other party's locality on a mutual aid basis, may bill the patient (from the requesting jurisdiction) the standard and customary rates/fees utilized in rendering aid in provider's jurisdiction.

**Section 9. Duration.**

This Agreement shall become effective upon the execution by all parties and remain in effect from year to year until terminated by all parties hereto upon written notice setting forth the date of termination, which shall in no event be sooner than ninety (90) days following receipt of such written notice by parties hereto.

**Section 10. Entire Agreement.**

This Agreement, including Attachments A, B, and C as those Attachments may be modified from time to time by written agreement of the parties hereto and which Attachments are hereby incorporated by reference as a part of this Agreement, represents the entire and integrated Agreement between the parties and supersedes any and all prior negotiations, representations, or agreements, either oral or written. This Agreement may be amended only by written instrument signed by all authorized representatives of all parties of said Agreement.

**IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written:**

**THE BOARD OF SUPERVISORS of the COUNTY OF  
BEDFORD, VIRGINIA**

By: \_\_\_\_\_ (SEAL)  
**KATHLEEN D. GUZZI**  
**County Administrator**

THE BOARD OF SUPERVISORS of the COUNTY OF  
FRANKLIN, VIRGINIA

By: \_\_\_\_\_ (SEAL)  
RICHARD E. HUFF, II  
County Administrator

STATE OF VIRGINIA,

CITY OF BEDFORD to-wit:

The foregoing Agreement was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011, by **Kathleen D. Guzi, County Administrator for the County of Bedford, Virginia on behalf of the BOARD OF SUPERVISORS of the COUNTY OF BEDFORD, VIRGINIA.**

\_\_\_\_\_  
Notary Public

STATE OF VIRGINIA,

CITY/COUNTY OF \_\_\_\_\_, to-wit:

The foregoing Agreement was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011, by **Richard E. Huff, II, County Administrator for the County of Franklin, Virginia on behalf of the BOARD OF SUPERVISORS of the COUNTY OF FRANKLIN, VIRGINIA.**

\_\_\_\_\_  
Notary Public

**ATTACHMENT A**

**Operational Plan**

**I. Criteria for Requesting Mutual Aid.**

- A. Once a requesting party to this Agreement has depleted its resources or is in imminent danger of depleting its resources as a result of incident demands and needs additional resources to mitigate the incident and/or resources to respond to additional calls-for-services in its jurisdiction while it is engaged in other emergency response activities, or in the event that specialized personnel, equipment, or expertise needed to respond to a particular fire or medical emergency is not available in the requesting jurisdiction, the requesting party shall notify the designated official of other party(ies) to this Agreement of such emergency and its need for emergency aid or assistance. For purposes of this Agreement, an “emergency” shall be deemed to include, but not be limited to the following:
1. The rendering of Advanced Life Support assistance. In the event that either party to this Agreement needs the specialized services of Advanced Life Support, the opposing County will provide the personnel and/or equipment needed when availability of specialized personnel and equipment allow for such response.
  2. Normal terrain search for persons who are presumed lost and who are not capable of taking care of themselves (e.g. small children, the mentally retarded, the aged, and the ill).
  3. Natural or man-made disasters, such as floods, tornadoes, fires, hazardous materials incidents, rescue/EMS incidents, or severe storms.
  4. Incidents requiring the assistance of a specialist or specialists, including specialized teams and/or specialized capabilities.
- B. The requesting jurisdiction shall have committed or shall have foreseen the need to commit all of its available resources.

**II. Procedure for Requesting Mutual Aid.**

- A. An official authorized by the parties to this Mutual Aid Agreement to request assistance shall do so by notifying the designated official in the other jurisdiction(s). Authorized officials shall be Chief Fire Officers, Chief Rescue Officers, EMS Supervisors and/or Captains, Public Safety Directors, Coordinators, Program Managers, or designee.
- B. The radio communications dispatch system, or any other available communications method, shall be used to make a request for assistance.
- C. The designated official contacted by the requesting jurisdiction shall alert units within the assisting jurisdiction of the possible need for mutual aid assistance, of an actual request for assistance, and, if necessary, the need to stand-by.
- D. The request for mutual aid assistance shall state:
  - 1. The nature of the emergency and its location,
  - 2. The type and number of personnel needed,
  - 3. The type of equipment needed, and
  - 4. The name and location of the Command Post, the official to whom the assisting personnel shall report, and tactical radio channels in use at the incident.

### **III. Use of Mutual Aid Assistance.**

- A. The authorized official of the assisting jurisdiction shall determine the type and number of personnel available to be dispatched, and shall use the best available communications method to acknowledge the request, stating the amount and type of assistance to be provided.
- B. The assisting personnel shall report to, and shall be under the command of, the ranking officer on-scene or official named in the request.
- C. Assisting personnel shall be deployed as integral units, and under their own supervisor.
- D. ***Requested Mutual Aid response is not guaranteed.*** If the requested personnel and/or equipment are unavailable due to high activity levels, or impending/existing emergencies in its home jurisdiction, the request for mutual aid may be denied. The jurisdiction receiving a request for assistance shall immediately notify the requesting jurisdiction of such a situation, explaining the reason it cannot assist.

### **IV. Withdrawal of Mutual Aid Assistance.**

- A. As soon as possible, the mutual aid personnel and equipment shall be withdrawn and returned to their jurisdiction.
- B. If the mutual aid units are needed in their home jurisdiction before the termination of the emergency incident, the ranking mutual aid official shall notify the on-scene commander of the situation. The on-scene Incident Commander must release the mutual aid units as soon as possible.

## **ATTACHMENT B**

### **Officials Authorized to Request and Render Mutual Aid Fire & EMS Assistance (County of Franklin)**

Franklin County Public Safety designated officials authorized to request and to render Mutual Aid Fire and EMS assistance to participating jurisdictions:

- 1. Director of Public Safety
- 2. Deputy Director(s) (or designees) of Public Safety

- 3. On-scene Incident Commander
- 4. EMS provider in attendance (when ALS is needed enroute to the Hospital)
- 5. Fire Chief (or designee) for the Fire Chief's specific response area and/or department.
- 6. Rescue Captain (or designee) for the Rescue Captain's specific response area and/or department.

*Prior to authorizing the rendering of assistance, such official(s) will determine resource availability by communication with agencies.*

**All requests for assistance should be routed through Franklin County's emergency communications center.**

**Authorizing Signature:** \_\_\_\_\_, dated \_\_/\_\_/2011  
Daryl Hatcher, Director of Public Safety  
County of Franklin, Virginia

**ATTACHMENT C**

**Officials Authorized to Request and Render Mutual Aid Fire & EMS Assistance (County of Bedford)**

Bedford County Fire and Rescue designated officials authorized to request and to render Mutual Aid Fire and EMS assistance to participating jurisdictions:

- 1. Chief of Fire & Rescue
- 2. Fire & Rescue Staff officers'
- 3. On scene Incident Commander
- 4. EMS personnel in attendance with a patient requiring ALS enroute
- 5. Fire Chief or designee in respective Fire District
- 6. Rescue Captain or designee in respective Rescue District

*Prior to authorizing the rendering of assistance, such official(s) will determine resource availability by communication with agencies.*

**All requests for assistance should be routed through Bedford County's Emergency communications center.**

**Authorizing Signature:** \_\_\_\_\_, dated \_\_/\_\_/2011  
Jack W. Jones, Jr. Chief of Fire & Rescue  
County of Bedford, Virginia

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**BID AWARD FOR SOLID WASTE COLLECTION TRUCK**

At the December 21, 2010 Board of Supervisors Meeting the Board approved to seek bids for a Solid Waste Front Loader Collection Truck. All bids were received on March 31, 2011 at 4:00 pm. We will replace the 2001 Volvo with the new truck and use the 2001 Volvo for a spare backup collection truck. Then we will take a 1995 Volvo spare front loader and turn it into the leachate truck to replace the 1981 Volvo leachate truck. We will surplus the 1981 Volvo truck.

We received 12 different bids from 7 different vendors with different trucks and bodies:

<u>Advantage Truck Center:</u>			
Bid #1	2011 Autocar	New Way Body	\$223,754.00
Bid #2	2011 Autocar	E-Z Pack Body	\$227,745.00
Bid #3	2011 Autocar	Heil Body	\$227,888.00
Bid #4	2011 Autocar	McNeilus Body	\$227,980.00
<u>Tom's Truck Sales, LLC:</u>			

Bid #1	2011 Mack	New Way Body	\$201,195.00
<u>GranTurk Equipment Co.</u>			
Bid #1	2011 Autocar	Labrie Wittke Body	\$229,637.00
<u>Cavalier Equipment Co.</u>			
Bid #1	2011 Autocar	E-Z Pack Hercules Body	\$229,457.00
Bid #2	2012 Mack	E-Z Pack Hercules Body	\$205,186.00
Bid #3	2012 Condor	E-Z Pack Hercules Body	\$217,982.00
<u>Kann Mfg. Co.</u>			
Bid #1	2011 Mack	Route King Body	\$202,197.00
<u>Mid-Atlantic Waste System</u>			
Bid #1	2012 Mack	Heil Body	\$205,329.00
<u>Mid-Sate Equipment Co.</u>			
Bid #1	2011 Mack	Pak-Mor Body	\$202,029.00

We received 6 bids that meet all the specifications, truck chassis and body. Advantage Truck Bid 1, 2, 3, and 4 meet the specifications. Gran Truk Equipment, bid # 1 meets the specifications. Cavalier Equipment bid # 1 meets the specifications.

**RECOMMENDATION:** It is recommended that the Board of Supervisors award the Solid Waste Front Loader Collection Truck Bid # 2 to Advantage Truck Center with the E-Z Pack body for the purchase price of \$227,745.00 as it represents the lowest bid of trucks that fully met the bid specifications. The funds are already approved in the CIP 2010-11 budget.

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**ROCKY MOUNT NATIONAL GUARD ARMORY**

A resolution dated December 19, 1955 was adopted by the Board of Supervisors of Franklin County which set in motion the construction of the Rocky Mount National Guard Armory. In this resolution, language was included which stated that Franklin County was “to assume cost of repair, maintenance and operation of said Armory, landscaping, supplying necessary facilities such as water, electricity, sewers and sewage disposal to a point designated by the architects within five feet of building and caretaker and/or janitorial personnel as may be necessary”. (Similar resolutions were adopted at approximately 30 other localities across the state for construction of armories over the following ten years). Once the armory was built and occupied by the National Guard, the localities paid 100% of all utilities and repairs to the facilities.

The Department of Military Affairs issued an addendum to the resolution in 1985 and had each locality approve the changes. This addendum reaffirmed the locality’s commitment to provide the operational cost and routine maintenance and repair cost as outlined in the original resolution, however, it required the Department of Military Affairs to pay the costs of major repairs and up to 25% of routine maintenance and operation costs.

In the late 1980’s, several of the localities with “cost share” agreements began to drop their support of their facility due to several reasons including costs and limited community use. The Department of Military Affairs attempt to pick up a larger part of the funding for local armories did not stop many more localities from discontinuing the “cost share” agreements over the next several years. The City of Staunton was the most recent locality to drop the agreement last year. Currently, only 12 armories still participate in a cost share agreement. The County’s current FY operating budget for the Armory is \$36,875.00.

Many factors (including the post 9/11 years, increased military use and most recently the “fencing” of the major portions of parking areas) have continued to make the Rocky Mount National Guard Armory less than ideal for community use. Recently, approval was received to relocate the Rocky Mount East voting precinct to the Rocky Mount First Church of the Bretheran located at 405 Tanyard Road in Rocky Mount.

**RECOMMENDATION:**

Given the current status of the local Armory and the continued limited use for community functions, staff respectfully requests that the Board of Supervisors consider rescinding the original dated December 19, 1955 resolution as well as the 1985 amended resolution which committed Franklin County to ongoing financial contributions for the upkeep and operation of the Armory.

Should the County later establish uses of need, the Department of Military Affairs does continue to rent their armories. Each armory has an Armory Central Board which handles non-military use of the facility.

**(RESOLUTION #01-05-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda items as presented above.

MOTION BY: Russ Johnson  
 SECONDED BY: David Cundiff  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Mitchell, Thompson, Cundiff, Angell, Johnson, Thompson & Wagner

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**VDOT – MEADOWVIEW SUBDIVISION**

Debbie Shinstine, VDOT, Land Use Engineer, presented the Board with the following resolution for their consideration:

**Meador View**  
**Elizabeth Drive – Route 1132**  
**Nyle Ridge Road – Route 1133**

WHEREAS, the street(s) described on the submitted Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Franklin County, and

WHEREAS, the Land Use Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the submitted Additions Form SR-5(A) to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Land Use Engineer for the Virginia Department of Transportation.

**REPORT OF CHANGES IN THE SECONDARY SYSTEM OF STATE HIGHWAYS**  
**PROJECT/SUBDIVISION MEADOR VIEW**

Type Change to the Secondary System of State Highways: The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street Pursuant  
 to Code of Virginia Statute: §33.1-229

**Street Name and/or Route Number**

Nyle Ridge Rd, State Route Number 1133  
 Old Route Number:  
 From: Elizabeth Rd To: cul de sac, a distance of: 0.64 miles. Recordation Reference: PB 913  
 PG 02548 Right of Way width (feet) = 50

**Street Name and/or Route Number**

Elizabeth Drive, State Route Number 1132  
 Old Route Number: 0  
 From: Route 122 To: Nyle Ridge Road, a distance of: 0.06 miles. Recordation Reference: PB  
 0913 PG 02548 Right of Way width (feet) = 50

**(RESOLUTION #02-05-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned resolution as presented.

MOTION BY: Leland Mitchell  
 SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Cundiff, Angell, Johnson, Thompson & Wagner

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**REGIONAL RURAL LONG RANGE PLAN TRANSPORTATION PLAN**

Aaron Burdick, Executive Director, West Piedmont Planning District, shared with the Board an introduction and purpose of the FY 2035 Rural Long Range Transportation Plan. Mr. Burdick, stated, the Transportation and Mobility Planning Division (TMPD) of the Virginia Department of Transportation (VDOT) has worked with other modal agencies to develop VTrans 2035, the Commonwealth’s multi-modal long range plan and a more detailed subset report known as the 2035 Surface Transportation Plan. The highway element of the 2035 Surface Transportation Plan will include proposed improvement son Virginia’s federal functionally classified roadways. This Rural Long Range is one piece of the 2035 Plan. VDOT, Virginia’s Planning District Commission (PDCs), and the local governments they represent are partners in the development of this new initiative to create regional transportation plans in rural and small urban areas that complement those in Virginia’s metropolitan areas.

The transportation system within the rural areas for each region was evaluated and a range of transportation improvements – roadway, trail, transit, air, bicycle, and pedestrian – are recommended that can best satisfy existing and future needs. Some of the PDCs contain urbanized areas whose transportation needs are coordinated by a metropolitan planning organization (MPO). In this case of the WPPDC, there is one urbanized area whose transportation needs are coordinated by an MPO. The Danville Metropolitan Planning Organization (DMP) conducts the transportation planning for the City of Danville and urbanized portions of Pittsylvania County. The transportation needs of this area are analyzed in its 2035 Fiscally Constrained Long Range Transportation Plan, which is a separate component of the 2035 Surface Transportation Plan. For the purposes of this Plan, only the transportation network outside of the MPO is analyzed and addressed.

Each rural regional plan has a horizon year of 2035 and addressed the anticipated impacts of population and employment growth upon the transportation system. This plan will be reviewed and updated as needed,. Each rural plan was developed as a vision plan, addressing all needs of the transportation system studied regardless of anticipated funding availability. It is envisioned that each regional plan will be used to identify transportation funding priorities. Additional details on topics discussed in this plan can be found in the Technical Report.

Mr. Burdick briefly highlighted WPPDC Regional goals and the Common Rural Long Range Plan Goals.

**RESOLUTION ENDORSING THE WEST PIEDMONT PLANNING DISTRICT COMMISSION’S 2035 RURAL LONG RANGE TRANSPORTATION PLAN**

At a meeting of the Franklin County Board of Supervisors, held on May 17, 2011, the following resolution was adopted:

**WHEREAS**, the basic goal of transportation within the Commonwealth of Virginia is the provision for the effective, safe, and efficient movement of people and goods; and

**WHEREAS**, the West Piedmont Planning District Commission and the Virginia Department of Transportation have developed a Rural Long Range Transportation Plan with a horizon year of 2035 addressing all needs of the transportation system within the region regardless of anticipated funding availability; and

**WHEREAS**, the *West Piedmont Planning District Commission’s 2035 Rural Long Range Transportation Plan* was developed using transportation goals and objectives established through a Transportation Technical Advisory Committee consisting of local government representatives from each member jurisdiction; and

**WHEREAS**, *West Piedmont Planning District Commission’s 2035 Rural Long Range Transportation Plan* identifies specific roadway and bridge deficiencies for each member jurisdiction; and

**WHEREAS**, recommendations are presented to address the specific roadway and bridge deficiencies for each member jurisdiction; and

**WHEREAS**, the City of Martinsville; the Counties of Franklin, Henry, Patrick, and Pittsylvania; and the Town of Rocky Mount—member localities of the West Piedmont Planning District—are covered by the *West Piedmont Planning District Commission’s 2035 Rural Long Range Transportation Plan*;

**NOW THEREFORE BE IT RESOLVED** at its meeting on May 17, 2011, the Franklin County Board of Supervisors, in recognizing the benefits of the *West Piedmont Planning*

**District Commission's 2035 Rural Long Range Transportation Plan**, hereby offers its endorsement

**(RESOLUTION #03-05-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt the aforementioned resolution as presented with the inclusion of the turning lanes at St. Rt. 616 & 122/Scruggs Road.

MOTION BY: Wayne Angell

SECONDED BY: Ronnie Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Cundiff, Angell, Johnson, Thompson & Wagner

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**CROWELL GAP UPDATE**

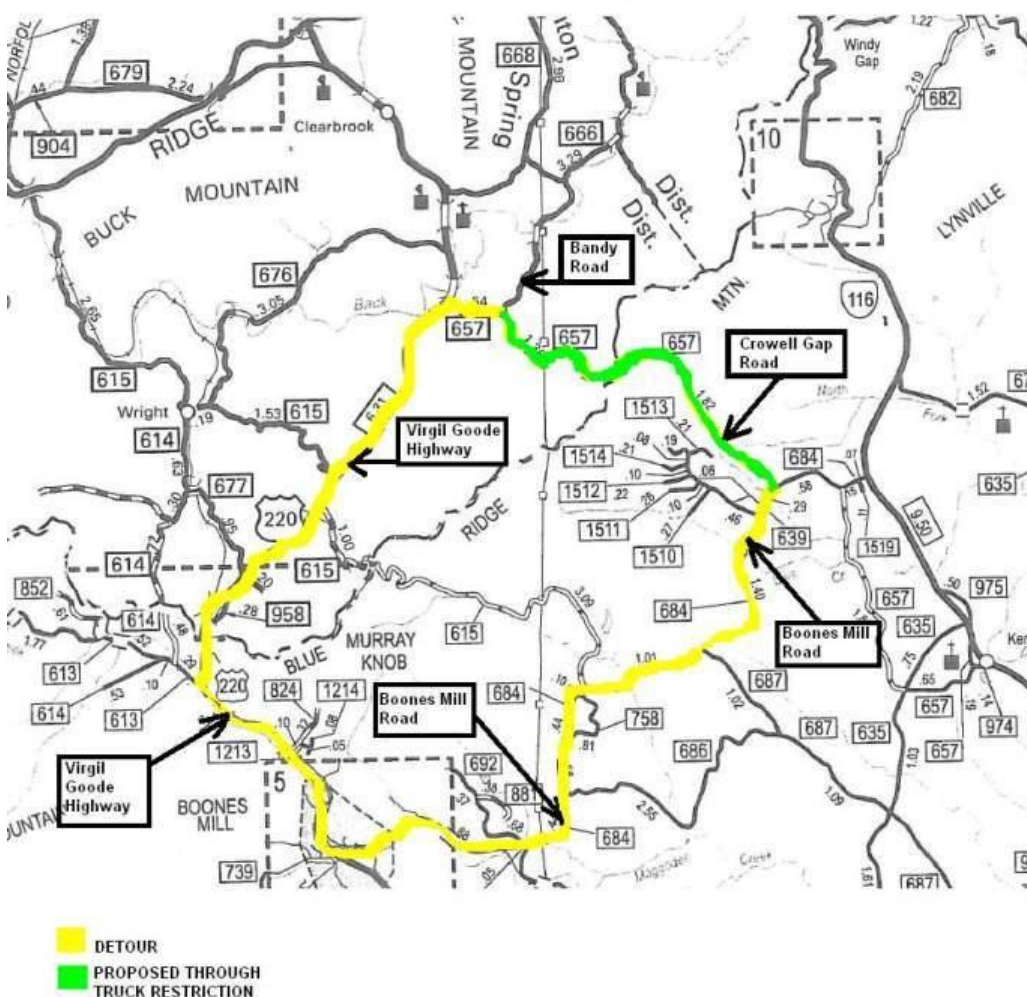
Neil Holthouser, Director of Planning, shared with the Board there have been requests from citizens who live on Crowell Gap Road to restrict through truck traffic. On Tuesday, April 19, 2010 at the Board of Supervisors afternoon session Tony Handy, VDOT Resident Administrator, presented a proposal for "through truck restriction" on Crowell Gap Road (Route 657). The proposed restriction is recommended to be tractor truck and trailer or semi-trailer combinations restriction in excess of 28 feet for Crowell Gap Road (Route 657) beginning at the intersection of Boones Mill Road (Route 684) and ending at the intersection of Bandy Road (Route 666) with the termini to termini distance equaling approximately 3.2 miles.

The Board of Supervisors advised Planning Staff to contact Roanoke County to see if they were interested in working on a proposal for "through truck restriction" on Crowell Gap Road. Roanoke County is on board with moving forward with the proposal. Please see submitted map for proposed through truck restriction and detour recommended by VDOT.

Planning Staff has been in contact with the Roanoke County and both staffs agree with the proposed restriction as written above. Roanoke County has decided to hold their public hearing on this issue, Tuesday, June 28, 2011. Franklin County Planning staff would like the Board of Supervisors to consider a public hearing on this issue, Tuesday, June 21, 2011. Staff will continue working with Roanoke County staff to make sure that the resolutions are the same for both counties.

**RECOMMENDATION:**

Staff respectfully requests the Board of Supervisors consider a public hearing, Tuesday, June 21, 2011 on the "through truck restrictions" on Crowell Gap.



Board discussion ensued regarding a total truck restriction.

WHEREAS, the Franklin County Board of Supervisors and the Roanoke County Board of Supervisors have studied the possibility of placing a through tractor truck and trailer or semi-trailer combinations restriction on Route 657 (Crowell Gap Road); and

WHEREAS, the through tractor truck and trailer or semi-trailer combinations restriction is proposed for Route 657 (Crowell Gap Road), beginning at the intersection of Route 684 (Boones Mill Road) and ending at the intersection of Route 666 (Bandy Road) with the termini to termini distance equaling approximately 3.2 miles; and

WHEREAS, the alternate route proposed is Route 684 (Boones Mill Road) beginning at the intersection of Route 657 (Crowell Gap Road) traveling south to Route 220 (Virgil Goode Highway), then traveling north to Route 657 (Crowell Gap Road), then traveling east to the intersection of Route 666 (Bandy Road) with the termini to termini distance equaling approximately 12.1 miles and WHEREAS, the alternate route has been found to be reasonable; and

WHEREAS, a public hearing has been held according to Section 46.2-809 of the Code of Virginia, 1950, as amended.

NOW, THEREFORE BE IT RESOLVED, that the Franklin County Board of Supervisors requests that the Virginia Department of Transportation restrict through tractor truck and trailer or semi-trailer combinations on Route 657 (Crowell Gap Road) beginning at the intersection of Route 684 (Boones Mill Road) and ending at the intersection of Route 666 (Bandy Road) with the termini to termini distance equaling approximately 3.2 miles; and

BE IT FURTHER RESOLVED that Franklin County will use its offices for enforcement on the proposed restriction in Franklin County.

**(RESOLUTION #04-05-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for public hearing calling for restricting full through truck traffic for the June 21, 2011 Board meeting as discussed.

MOTION BY: Ronnie Thompson  
SECONDED BY: David Cundiff  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Thompson, Cundiff, Angell, Johnson, Thompson & Wagner

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**LAND DEVELOPMENT ORDINANCE UPDATE**

Neil Holthouser, Director of Planning & Community Development, stated in December 2010, consultants from Clarion Associates presented the Board of Supervisors with a summary of observations, analysis, conclusions, and recommendations related to the update of Franklin County's zoning and subdivision ordinances. This presentation included a series of guiding principles to help direct the ordinance update, and outlined six specific recommendations and corresponding actions for ordinance development, as follows:

Recommendation	Action
Consolidate various chapters of County Code related to land development into a unified development ordinance. Use consistent terms, definitions, measurements, and procedures.	Develop comprehensive annotated outline. Compile all ordinances related to land development; sort and organize according to annotated outline
Maintain existing boundary between zoned and non-zoned areas, until further directed. Create zoning district placeholders for rural-agricultural areas, villages, corridors, etc.	Develop comprehensive list of new zoning districts; build matrix of uses and key provisions for each zoning district.
Maintain A-1 zoning in areas identified as Rural-Transitioning. Rename to RA-1 (Rural Agricultural.) Incorporate clustering and open space provisions for larger-scale subdivisions.	Revise A-1 zoning district to include clustering and open space provisions for larger residential subdivisions. Rename to RA-1
Develop new limited agricultural zone (SA-1) for agricultural uses in Suburban-Developing areas. Comprehensively rezone farmland and large undeveloped tracts to SA-1	Identify active farms, forestall land, and large undeveloped tracts in Suburban-Developing area around Smith Mountain Lake. Develop SA-1 zoning district.
Develop new residential zones (SR-1, SR-2) with enhanced site development requirements in Suburban-Developing areas. Comprehensively rezone existing suburban residential uses accordingly.	Identify existing residential subdivisions in the Suburban-Developing area. Develop SR-1 and SR-2 zoning districts.
Develop a program of small-area planning for Villages and Corridors. Develop and adopt zoning tools for these areas (V-x, C-x) as warranted. Amend zoning map accordingly.	Identify and prioritize villages and corridors for future small-area planning efforts (in conjunction with next Comprehensive Plan update.)

The Board of Supervisors held a follow-up discussion in January 2011, at which time the Board authorized Planning staff to begin more detailed analysis and ordinance development based on the consultants’ recommendations. This Executive Summary is meant to brief the Board on staff’s progress to date, and to anticipate project deliverables and scheduling over the next several months.

**ANALYSIS:**

**Unified Ordinance**

The Clarion consulting team strongly recommends that all ordinances related to land development – including Zoning, Subdivision, Floodplain Management, Erosion & Sediment Control, and Manufactured Homes – be merged into a unified chapter of the County code. This would help ensure consistency in procedures, terminology, definitions, and measurements, and would create a “one-stop shop” for regulations related to the development of land. To produce this unified chapter, Planning staff is continually working to create and refine a detailed annotated outline of the new Land Development Ordinance. The outline is meant to ensure that the necessary regulations are assigned a correct place in the new code and work seamlessly with one another.

Staff has already begun developing this outline by compiling regulations from various chapters of the existing County code and arranging them into a new unified document. Additional detail, analysis and refinement will follow as decisions are made by the Planning Commission and Board of Supervisors regarding the direction specific regulations should take.

**Next Steps:** Staff will continue to refine the outline in the coming months, pending further direction from project stakeholders on specific policy issues. Staff anticipates that a fully-developed, annotated outline will be available for review in the September – October 2011 timeframe. Once the outline is

deemed acceptable by the Planning Commission and Board, staff will begin drafting ordinance text in earnest in the Fall of 2011. A complete draft of the unified Land Development Ordinance should be ready for review in early 2012.

### **Revised Zoning Categories**

As a result of staff's Demand & Capacity Analysis, we now have a better understanding of how the County is likely to grow in the coming decades. In general, areas in the north, central, and eastern parts of the County are expected to receive the majority of new residential growth, while the areas in the west and south are not expected to experience much residential growth pressure. This pattern of projected residential growth loosely corresponds to the existing boundary between zoned and non-zoned areas of the County. The Clarion consulting team therefore recommends that the boundary between zoned and non-zoned areas be maintained, until such time as significant growth pressure begins to materialize in the more rural parts of the County.

That said, the consultants recommend that we construct the new ordinance with placeholders reserved for the addition of future zoning categories, if and when they are needed. The consultants also recommend that we expand the list of zoning categories and group them according to character areas, ranging from "more rural" to "less rural" to "suburban." This would allow us to tailor the nature and intensity of regulations based on the character of the area being regulated, with the most intense regulations governing suburban areas and the least intensive regulations applied to the most rural areas.

To achieve this, staff is currently developing an expanding matrix of proposed new zoning categories. This matrix shows how the existing zoning categories will transition into the new code; how the County may benefit from the addition of new zoning categories; and what the purpose, intent, and geographic application of each zoning category should be.

**Next Steps: Staff will preview the proposed matrix of zoning categories at the Board's May 17, 2011, meeting. If acceptable to the Board, staff will present this matrix to the Planning Commission in June for further review and refinement. Once agreed upon, this matrix of zoning categories will help guide the development of the detailed annotated outline, as discussed above.**

### **Rural Agricultural Zoning**

The vast majority of land within the zoned portion of Franklin County is currently designated A-1, Agricultural. The Clarion consulting team recommends that most areas currently zoned A-1 remain unchanged, especially in the more rural areas removed from Smith Mountain Lake. To clarify that this zoning category is intended for application in rural areas (and not in suburban areas around the lake), the consultants recommend changing the name of the A-1 district to RA-1, Rural Agricultural District. This change in nomenclature would not necessarily constitute a comprehensive rezoning. Rather, the new code would acknowledge that areas formerly zoned A-1 would now be called by a new name, RA-1.

The A-1 zoning category, as currently written, poses a conflict between: 1) the desire to preserve farmland and allow for a full range of agricultural activities; and 2) the allowance of residential development, which can consume farmland with residential subdivisions that are alien to the surrounding agricultural context. This conflict becomes most pronounced when larger tracts of A-1 land are proposed for by-right residential subdivisions. Once the land is developed, subsequent homeowners often do not realize that their land – and the surrounding context – is still zoned A-1, which allows for agricultural uses, manufactured homes, and some agriculturally-related commercial activity. Farmers, meanwhile, often feel pressured by homeowners in nearby residential subdivisions to mitigate the impacts of their agricultural activities, such as noise, odor, and farm traffic.

One solution to this conflict is to promote the concept of residential clustering in rural areas. Cluster subdivisions (also called conservation subdivisions) are designed to concentrate residential lots in strategic pockets within a larger tract, leaving the balance of land undeveloped as protected open space. This open space acts as a natural buffer against adjoining uses, while providing value to the homeowner as active or passive recreational area. In larger developments, the open space may be sizeable enough to continue use as farmland, thereby generating lease income for the neighborhood association.

Cluster subdivisions do not necessarily decrease the residential lot yield. In some cases, cluster developments can produce a greater lot yield than conventional by-right subdivisions. Lot yield for cluster developments is determined by a density formula, whereby a certain amount of acreage is guaranteed to allow for a corresponding number of housing units, in exchange for a certain percentage of the tract being set aside as open space. This guaranteed yield is of considerable value to the land owner who may wish to sell the land for development at a later date.

The Clarion consulting team recommends that the County immediately consider incorporating residential clustering provisions in the existing A-1 zoning category. This would occur through the process of a text amendment to the existing ordinance, requiring public hearings before the Planning Commission and Board of Supervisors. Once adopted into the existing code, these clustering provisions would transition into the new unified Land Development Ordinance as the A-1 zoning category is renamed to RA-1, Rural Agricultural District.

**Next Steps: Staff is currently developing draft code language to introduce residential clustering provisions into the existing A-1 zoning category. If authorized by the Board, staff will present this draft language to the Planning Commission for consideration at its June meeting. A proposed code amendment re: residential clustering could be ready for Board consideration and adoption during the August – September 2011 timeframe.**

### **Suburban Agricultural Zoning**

While the proposed RA-1 zoning category may be appropriate for rural areas, it may not be appropriate for rapidly suburbanizing areas around Smith Mountain Lake. The County's Comprehensive Plan already designates the area around the lake as appropriate for "Low Density Residential" uses, as opposed to the "Agricultural/Forestal/Rural Residential" designation which prevails in areas removed from the lake. The Comprehensive Plan anticipates that land around the lake will continue to transition from agricultural use to residential development, an assertion supported by our recent Demand & Capacity Analysis. As this transition occurs, the conflicts between residential and agricultural uses may become more pronounced.

The Clarion consulting team recommends that we establish a new agricultural zoning category, distinct from RA-1 district, for application in the suburban areas around the lake. This category (SA-1, Suburban Residential District) would allow for continued farming activities, but would not allow for industrial agricultural production (e.g. large poultry operations, hog farms, etc.), or sales/service/repair of heavy equipment. The SA-1 category would also include provisions for residential clustering, but might limit residential density, require greater percentages of open space, and/or require enhanced development standards for streets, landscaping, buffering, etc. Should a developer wish to achieve greater residential density or reduce the amount of open space, then the SA-1 district designation would act as an encouragement to rezone to a more compatible zoning category.

**Next Steps: Staff has begun surveying areas around Smith Mountain Lake, within the area designated by the Comprehensive Plan as "Low Density Residential," for properties that might be candidates for comprehensive rezoning to SA-1. Regulatory requirements for the SA-1 district will be developed as staff prepares the annotated outline for the unified Land Development Ordinance during the September – October 2011 timeframe. The SA-1 zoning category would become available for application once the new code is adopted in 2012.**

### **Suburban Residential Zoning**

From the outset of the Land Development Ordinance update project, Board members have expressed a strong desire to tailor regulations to unique and distinct areas of the County. Put simply, "one size does not fit all." To achieve this, the Clarion consulting team recommends that we develop zoning categories with respect to distinct character areas within the County, ranging from "more rural" to "less rural" to "suburban." Suburban areas, which are likely to receive the majority of future residential growth, should be subject to more rigorous and specific standards to better direct development and mitigate the impacts of rapid change.

The consulting team recommends the establishment of new suburban residential zoning categories for application in areas around Smith Mountain Lake. These new categories – SR-1,

SR-2 – would take the place of the existing R-1 and R-2 zoning in areas around the lake. It is also recommended that existing residential subdivisions which were developed by-right under A-1 zoning be proactively rezoned to a suburban residential category. This would help eliminate certain conflicts within existing residential subdivisions that are still subject to agricultural zoning.

Once the new suburban residential zoning categories are developed, candidate properties would have to be comprehensively rezoned from their current zoning designation to the appropriate new designation. This process will involve intensive field research, public outreach, and stakeholder input.

**Next Steps:** Staff has begun surveying areas around Smith Mountain Lake, within the area designated by the Comprehensive Plan as “Low Density Residential,” for properties that might be candidates for comprehensive rezoning to SR-1 and SR-2. Regulatory requirements for the SR-1 and SR-2 districts will be developed as staff prepares the annotated outline for the unified Land Development Ordinance during the September – October 2011 timeframe. The SR-1 and SR-2 zoning categories would become available for application once the new code is adopted in 2012.

### **Villages and Corridors**

Franklin County’s Comprehensive Plan recommends that commercial and mixed-use development be encouraged in traditional village centers and along well-planned highway corridors. Some of these proposed villages and corridors are located within the zoned portion of the County; others are located in the non-zoned area. The Clarion consulting team recommends that we undertake an intensive program of small-area planning for each designated village and corridor. The planning process would shed light on the nature and intensity of any regulations that may be needed to achieve agreed-upon goals.

For villages and corridors in the non-zoned portion of the County, the consulting team recommends that we adopt criteria into the ordinance by which non-zoned areas may be considered for zoning in the future. Under this system, it would be possible to amend the zoning map to include a village or corridor, after a small-area plan for that village or corridor has been adopted by the Board. Village and corridor regulations could take the form of base zoning or overlay zoning.

Planning staff recommends that the County undertake an aggressive schedule of village and corridor planning as a significant component of the 2012 Comprehensive Plan Update.


**Next Steps:** Comprehensive Plan update to begin in 2012.


### **RECOMMENDATION:**

Planning staff respectfully requests that the Board of Supervisors review the project recommendations and recommended actions, as outlined in this Executive Summary, and provide direction or clarification as needed.

Planning staff respectfully requests that the Board of Supervisors authorize the Planning Commission to consider draft amendments to the existing Zoning Ordinance to include residential clustering provisions in the A-1 zoning district.

Franklin County's

LAND DEVELOPMENT  
ORDINANCE UPDATE



Summary

Analysis

Conclusions:


Franklin County is a rural county – although it is far from homogenous. The character of the county is best understood as a spectrum of rural qualities, ranging from “more rural” to “less rural” to “suburban.” The task is to adjust zoning regulations in those parts of the county that are developed or developing, in order to most effectively accommodate growth while minimizing impacts. In more rural areas, the task becomes one of developing techniques – zoning or otherwise - that can be applied when they are needed. One size does not fit all.

Community Character Spectrum

More Rural


Less Rural

Suburban




Based on our analysis of future residential growth, new techniques for the most rural areas may not be needed right now. The existing boundary between zoned and non-zoned portions of the county is a fairly good approximation of the “more rural/less rural” divide, based on historical and projected growth trends.


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Franklin County's

LAND DEVELOPMENT  
ORDINANCE UPDATE




Summary

Analysis

Guiding Principles


1. Regulations should be tailored to unique areas of the county, based on local character and growth potential.
2. Regulations should be the minimum necessary to address specific concerns or achieve agreed-upon goals.
3. It is important to protect farmland and farming as a viable economic activity.
4. Scenic resources should be protected from incompatible development.
5. A range of tools are needed to protect the county's rural character; they should be proportional to the degree of threat.
6. Better standards are needed to protect natural resources during and after development.
7. Villages and neighborhoods should be well-connected and pedestrian-friendly.
8. Villages and commercial centers should be compact, supporting a mixture of uses.
9. Ordinances should be user-friendly, predictable, and easy to understand.
10. The code should include incentives and flexibility for preferred development types.
11. The code should be enforceable in a fair and impartial way.


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Franklin County's

LAND DEVELOPMENT  
ORDINANCE UPDATE



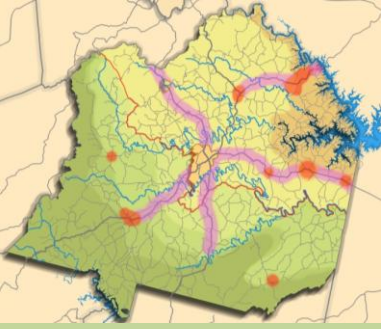
Summary

Recommendations

Recommended Actions

The County's regulatory approach should be tailored to each of the following character areas, which have their basis in the Comprehensive Plan, citizen preferences, and projections of future growth.

	Rural, Mountainous	R
	Rural, Agricultural	R
	Rural, Transitioning	R
	Suburban, Developing	S
	Town & Village Centers	V
	Primary Corridors	C



1. Consolidate various chapters of the County Code related to land development into a unified development ordinance. Use consistent terms, definitions, measurements, and procedures.

2. Maintain existing boundary between zoned and non-zoned areas, until further directed. Create zoning district placeholders for rural-agricultural areas, villages, corridors, etc.


3. Maintain A-1 zoning in areas identified as Rural-Transitioning. Rename to RA-1 (Rural Agricultural). Incorporate clustering and open space provisions for larger-scale subdivisions.

4. Develop new limited agricultural zone (SA-1) for agricultural uses in Suburban-Developing areas. Comprehensively rezone farmland and large undeveloped tracts to SA-1.

5. Develop new residential zones (SR-1, SR-2) with enhanced site development requirements in Suburban-Developing areas. Rezone existing suburban residential uses accordingly.

6. Develop a program of small-area planning for Villages and Corridors. Develop and adopt zoning tools for these areas (V-x, C-x) as warranted. Amend zoning map accordingly.

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Franklin County's

LAND DEVELOPMENT ORDINANCE UPDATE





Summary

Recommendations

Proposed Zoning Categories:

Existing Category	Proposed Category	Notes:
Non-zoned	NZ Non-zoned	Area of the County not subject to zoning (use) regulations; no changes proposed to boundary.
	RA-C Rural Agricultural District, Conservation	Placeholder category for future use. Regulates high-impact uses; otherwise minimal regulation.
A-1	RA-1 Rural Agricultural District, General	Most land currently zoned A-1 transfers to RA-1; introduce residential clustering rules.
	SA-1 Suburban Agricultural District, Limited	Large undeveloped tracts near Smith Mountain Lake rezoned to SA-1; limited agricultural uses.
RE	RR-E Rural Residential District, Estates	Intended for large-lot subdivisions (minimum 5-acre lots) in rural areas.
R-1 / R-2	RR-1 Rural Residential District, Limited	Intended for single-family housing in rural areas; density range of 1 to 2 units per acre.
	SR-1 Suburban Residential District, Limited	Intended for single-family housing in suburban areas; density range of 1 to 2 units per acre.
RC-1	RR-2 Rural Residential District, General	Allows for single-family, 2-family, and manufactured housing communities in rural areas.
	SR-2 Suburban Residential District, General	Allows for single-family, 2-family, and manufactured housing communities in suburban areas.
RMF	RMF-1 Rural Multi-Family District	Allows for apartments, townhouses, and condos in rural areas.
	SMF-1 Suburban Multi-Family District	Allows for apartments, townhouses, and condos in suburban areas.
B-1	RB-1 Rural Business District, Limited	Neighborhood-scale business in rural areas; intended to serve immediate local market.
	SB-1 Suburban Business District, Limited	Neighborhood-scale business in suburban areas; intended to serve immediate local market.
B-2	RB-2 Rural Business District, General	General business in rural areas; intended to serve community-wide or regional market area.
	SB-2 Suburban Business District, General	General business in suburban areas; intended to serve community-wide or regional market area.
M-1	M-1 Industrial District, Limited	Allows for light manufacturing and low-impact industrial uses.
M-2	M-2 Industrial District, General	Allows for heavy manufacturing and higher-impact industrial uses.
RPD	RPD Residential Planned Unit Development	Mixed-use planned-unit development, primarily residential; allows flexibility in design.
PCD	PCD Planned Commercial Development	Mixed-use planned-unit development, primarily commercial; allows flexibility in design.
	CV Civic District	Create separate category for public and civic uses (schools, parks, government buildings, etc.)
Overlay Zoning		
V-	Village center overlay(s)	Enhanced design and development requirements, implemented through overlay zoning upon completion and adoption of Village Plans.
C-	Corridor overlay(s)	Enhanced design and development requirements, implemented through overlay zoning upon completion and adoption of Corridor Plans.
H-	Historic overlay(s)	Enhanced design and development requirements intended to preserve historic character and promote compatible design in designated historic districts. Implemented through overlay zoning.

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Franklin County's

LAND DEVELOPMENT ORDINANCE UPDATE





Summary

Recommendations

Next Steps:

1. Develop comprehensive annotated outline for new Land Development Ordinance. Compile all county ordinances related to land development; organize per outline.

2. Develop comprehensive list of new zoning districts; build use matrix to compare and evaluate permitted uses.

3. Revise A-1 zoning district to include clustering and open space for larger residential subdivisions. Rename to RA-1.

4. Identify active farms, forestal land, and large undeveloped tracts in Suburban-Developing area around Smith Mountain Lake. Develop SA-1 zoning district.

5. Identify existing residential subdivisions in the Suburban-Developing area. Develop SR-1 and SR-2 zoning districts.

6. Identify and prioritize villages and corridors for future small-area planning efforts.

Project Schedule:

Task #		2009		2010				2011				Task Status
		3	4	1	2	3	4	1	2	3	4	
1.	Project Initiation											Completed
2.	Growth Analysis											Completed
3.	Public Outreach											Completed
4.	Diagnosis											Completed
5.	Recommendations											Completed
6.	Draft Ordinance											Ongoing

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SCHOOL CAPITAL PROJECT FUNDING REQUEST

Lee Cheatham, Director of Business and Finance, presented the following request that the Franklin County Board of Supervisors consider approving the following school capital project funding requests for the 2011-12 fiscal year:

County School Capital Projects Funds for 2011-12

\$880,000

Carryover of Unspent County School Capital Projects funds from 2010-11	<u>12,463</u>
Total Revenues	<u><u>\$892,463</u></u>

Proposed Capital Projects Expenditures:

1. Glade Hill Roof Replacement Project	
a. A/E Fees & Expenses	\$ 36,200
b. Project Bid-Actual	305,000
c. Contingency	<u>30,500</u>
Total	<u>\$371,700</u>
2. Lee M. Waid Paving Project-Upper Lot	
a. A/E Fees & Expenses	\$ 10,225
b. Topographic Surveys	1,200
c. Project Bid-Actual	170,824
d. Contingency	31,295
e. Estimated Rock Removal	<u>62,289</u>
Total	<u>\$275,833</u>
3. Rocky Mount Paving Project – Lower Lot	
a. A/E Fees & Expenses	\$ 10,225
b. Topographic Surveys	1,200
c. Project Bid-Actual	197,349
d. Contingency	<u>36,156</u>
Total	<u>\$244,930</u>
Total Proposed Expenditures	<u><u>\$892,463</u></u>

We received bids for the LMW & RM Paving Projects on May 16, 2011, so we have revised this letter and its attachments and we will have provided bid tabulations for the Paving Projects.

General discussion ensued.

**(RESOLUTION #05-05-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned capital project funding request as submitted from budgeted funds.

MOTION BY: Russ Johnson

SECONDED BY: Bobby Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Cundiff, Angell, Johnson, Thompson & Wagner

NAYS: Ronnie Thompson

THE MOTION PASSED WITH 6-1 VOTE.

\*\*\*\*\*

**CANNERIES**

Steve Oakes, Director of Transportation & Facilities, School System, stated in the fall we began to have substantial issues with the grinders used at each of the two canneries in the county. One of our maintenance employees spent a good deal of time attempting to make the necessary repairs, but was not able to get them in good working condition because they were all pretty much worn out. At about the same time we started investigating a possible short term solution and worked on that for several months. In the end enough money was found to purchase a pulper and grinder that will be used at Glade Hill, but there was not enough money to purchase the same equipment for Callaway.

Mr. Oakes stated staff is making an attempt to repair one or two of the grinders for the Callaway Cannery and hope that they will last one more year. If they fail it will become necessary to process the majority of the food at the Glade Hill site.

The particular issue noted above is just part of the problem with which we are faced. The buildings at each site are in poor condition and most of the equipment is as well. Over the years money has been spent to keep the canneries going, but very little money was spent to upgrade the buildings or the equipment.

Over the past five years the average yearly patronage at Callaway has been 104 while the average at Glade Hill has been 488. In addition, the average annual revenue for Callaway has been \$3,335 while Glade Hill has averaged \$13,039.

Based on the information and data noted above I am convinced that a decision is needed to determine what needs to be done with the canneries in the short term as well as the long term. I firmly believe that the canneries have provided a great service to the constituents of the county and I am confident that the users are grateful for having the opportunity to use them. I also know that we cannot continue operating both canneries without making substantial improvements. Therefore, I respectfully request that you consider the following:

Short Term

- 1. Appropriate \$19,000 to purchase the equipment needed for the Callaway Cannery.
- 2. Appropriate no additional money and close one of the canneries at the end of the year.

Long Term

- 1. Allocate additional money in the next few years to upgrade the buildings and equipment at each site.
- 2. Close one of the canneries and appropriate additional money to upgrade the building and equipment at one site.
- 3. Close both sites and build a new cannery.
- 4. Close both sites.

The Board will study the request.

\*\*\*\*\*

Chairman Wagner recessed the meeting.

\*\*\*\*\*

Chairman Wagner called the meeting to order.

\*\*\*\*\*

**CENTER AT THE LAKE ADDRESSING THE BOARD**

Chairman Wagner stated several individuals had requested to address the Board regarding the Center at the Lake. General discussion ensued.

Chairman Wagner stated the public will be granted 20 minutes following Russ Johnson, Gills Creek District Supervisor’s presentation.

\*\*\*\*\*

**RENEWAL OF FY’ 2011-2012 HEALTH & DENTAL INSURANCE PLAN/ANTHEM**

Vincent Copenhaver, Director of Finance, stated the County and Town staff recently met with our insurance consultant to review and discuss the health and dental insurance renewals for next fiscal year (FY11-12). Third quarter claims and experience were discussed as well as the renewal information presented by Anthem Blue Cross Blue Shield and Delta Dental of Virginia.

Anthem Blue Cross Blue Shield has presented a renewal quote with an **8.3%** premium increase for the County’s 11-12 health insurance. No additional funds were budgeted for health insurance increases in the County’s 11-12 budget resulting in the entire increase being passed on to the employees. Monthly premium increases will be: Employee only \$35.66, Employee Child \$54.56, Employee Spouse \$74.88 and Family \$99.84. The percentage paid by the County will decrease from 80% to 74% for employee only coverage and from 74% to 68% for the other tiers of coverage. To maintain the current County contribution percentages would require an additional \$177,739 in recurring funds annually. The renewal increase was the result of national health care reform which includes new items such as dependent coverage to age 26, dependent maternity, and preventive care coverage on children. There will be **no benefit changes** from the current plan other than those required by National Health Care Reform.

The dental insurance proposal from Delta Dental presented a renewal quote with a 3.7% increase for a one year renewal. This increase has also been passed on the employees and has resulted in the Employee only monthly premium increasing \$1.06, Employee Child \$1.64, Employee Spouse \$1.70 and Family \$3.24. A schedule is submitted showing the premium breakdowns. There are also **no benefit changes** from the current plan.

Mr. Copenhagen advised the Board staff has received updated information on the County’s health insurance renewal. The original renewal was 8.3% but since last week, we’ve been able to negotiate that down to **6.6%**. It is still a strong increase to County employees because the employees will have to pay the entire increase. We do not have any additional dollars budgeted towards health insurance in the adopted 11-12 budget.

There were several reasons we did not budget any additional health insurance funds in the 11-12 budget. We met with our health insurance consultant last December. At that time, she did not anticipate any increase for us for 11-12 which led us to not consider bidding out our health and dental coverage. Since that time, the financial impact of National Health Care Reform has been more fully understood and will require such new standards as dependent coverage until age 26 and preventive coverage on children. We believe we will have additional dependents joining our plan this July because of this new coverage that is now available to them. Our claims experience also took a nose dive during the last quarter of 2010.

We’ve looked at many options since learning of the increase such as going to different plans with higher co-pays, higher deductibles and higher out of pocket limits as well as offering multiple plans. In all cases, we feel stronger coverage is a better option rather than going to less coverage to only save 3% on the premium increase.

Dental insurance is also projected to **increase 3.7%** for 11-12 because of our claims experience.

**RECOMMENDATION:**

Staff respectfully requests the Board to allow the County Administrator to renew our health insurance coverage with Anthem Blue Cross/Blue Shield and our dental insurance with Delta Dental of Virginia for FY11-12.

**Franklin County/Health Insurance 11-12**

Current Premiums					
	Monthly Premium	County %	County Pays	Employee %	Employee Pays
Employee Only	431.66	80%	346.11	20%	85.55
Employee Child	660.43	74%	485.91	26%	174.52
Employee/Spouse	906.49	74%	668.40	26%	238.09
Employee Family	1,208.64	74%	892.50	26%	316.14

Renewal FY11-12: 6.6% Increase						Monthly		
	Monthly Premium	County %	County Pays	Employee %	Employee Pays	Increase to Employee	Percentage Increase	Yearly Increase to Employee
Employee Only	460.31	75%	346.11	25%	114.20	28.65	33.5%	343.80
Employee Child	704.26	69%	485.91	31%	218.35	43.83	25.1%	525.96
Employee/Spouse	966.65	69%	668.40	31%	298.25	60.16	25.3%	721.92
Employee Family	1,288.86	69%	892.50	31%	396.36	80.22	25.4%	962.64

**Dental Insurance 11-12**

Current Premiums					
	Monthly Premium	County %	County Pays	Employee %	Employee Pays
Employee Only	28.36	76%	21.50	24%	6.86
Employee Child	44.40	71%	31.72	29%	12.68
Employee/Spouse	45.82	71%	32.74	29%	13.08
Employee Family	87.20	71%	62.31	29%	24.89

Renewal FY11-12: 3.7% Increase						Monthly		
	Monthly Premium	County %	County Pays	Employee %	Employee Pays	Increase to Employee	Percentage Increase	Yearly Increase to Employee
Employee Only	29.42	73%	21.50	27%	7.92	1.06	15.5%	12.72
Employee Child	46.04	69%	31.72	31%	14.32	1.64	12.9%	19.68
Employee/Spouse	47.52	69%	32.74	31%	14.78	1.70	13.0%	20.40
Employee Family	90.44	69%	62.31	31%	28.13	3.24	13.0%	38.88

General discussion ensued with the following Scenario being adopted.

Scenario 2: County Covers Entire Increase							
Renewal FY11-12						Monthly Increase to Employee	Yearly Increase to Employee
	Monthly Premium	County %	County Pays	Employee %	Employee Pays		
Employee Only	460.31	81%	374.76	19%	85.55		
Employee Child	704.26	75%	529.74	25%	174.52		
Employee/Spouse	966.65	75%	728.56	25%	238.09		
Employee Family	1,288.86	75%	972.72	25%	316.14	0.00	0.00
New Cost to the County							
	<u>Contracts</u>		<u>County Pays</u>		<u>Total Cost</u>		
Employee Only	107		374.76		481,191.84		
Employee Child	17		529.74		108,066.96		
Employee/Spouse	65		728.56		568,276.80		
Employee Family	97		972.72		1,132,246.08		
					2,289,781.68		
Additional Cost to the County					186,028.80		

**(RESOLUTION #06-05-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize the County Administrator to execute the FY’ 2011-2012 Health and Dental Insurance as reviewed with the Board picking up the entire increase for the Health Insurance renewal in the amount of \$186,028.80 and funding to come from the Board’s Contingency Fund.

MOTION BY: Ronnie Thompson  
SECONDED BY: David Cundiff  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Thompson, Cundiff, Angell, Johnson, Thompson & Wagner  
NAYS: Mitchell

THE MOTION PASSED WITH A 6-1 VOTE.

\*\*\*\*\*

**VRS PLAN 2 EMPLOYER CONTRIBUTION CHANGES**

Vincent Copenhaver, Director of Finance, stated, under VRS Plan 2 provisions (effective July 1, 2010), school divisions and political subdivisions may pick up some or all of the 5 percent member contribution on their employees’ behalf. Franklin County as well as the Franklin County Schools elected to continue paying the 5 percent member contribution on all full time employees. If we desire to change the percentage paid by the County, then an updated resolution would need to be submitted to VRS by July 1, 2011 and would impact all employees hired since July 1, 2010. The County’s retirement rate will remain the same for FY11-12 at 14.15% but is scheduled to increase to 18.98% in FY12-13 although the General Assembly may determine the County could pay a less expensive rate.

The VRS Plan 2 provisions permit each county, city, town, local public school board or other local employer to pick-up, in whole or in part (in 1 percent increments), the 5 percent member contribution as an additional benefit not paid as salary. Any portion of the member contribution paid by an employee is on a pre-tax salary reduction basis and must be made on a uniform basis for all Plan 2 employees. If a change were made for Plan 2 employees than approximately 21 replacement employees hired since last July 1, 2010 would be impacted as well as all new full time positions hired after this July 1. An example of what a Plan 2 employee would pay is shown below:

- Annual Salary: \$30,000
- 1% = \$300
- 2% = \$600
- 3% = \$900
- 4% = \$1,200
- 5% = \$1,500

**FISCAL IMPACT:**

The savings to the County from passing along the 5% employee contribution to the Plan 2 employees is estimated to be \$26,000 for FY11-12 and \$26,000 for those employees hired in the current fiscal year. No fiscal impact has been received from the Schools although they have indicated that they are not recommending requiring that Plan 2 employees begin paying any of the 5% employee contribution because of the hiring disadvantage this would create with other School divisions in the region.

**RECOMMENDATION:**

Staff is concerned about School employees and non School employees being treated differently, especially as it relates to employees hired after July, 2010. Staff requests Board direction which could include further dialogue with the Schools prior to a decision which has to be made before June 30, 2011.

**(RESOLUTION #07-05-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to table the issue until the Board of Supervisors can schedule a meeting with the School Board for further discussion on future hires on VRS payment by employees/employer, prior to the June 21, 2011 Board meeting.

MOTION BY: David Cundiff

SECONDED BY: Ronnie Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Cundiff, Angell, Johnson, Thompson & Wagner

\*\*\*\*\*

**PUBLIC HEARING FOR ORDINANCE/MONETARY BONUSES FOR COUNTY EMPLOYEES**

Vincent Copenhaver, Director of Finance, presented the following proposed ordinance for the Board's review and consideration:

**§ 15.2-1508. Bonuses for employees of local governments.**

Notwithstanding any contrary provision of law, general or special, the governing body of any locality may provide for payment of monetary bonuses to its officers and employees. The payment of a bonus shall be authorized by ordinance.

**AN ORDINANCE ESTABLISHING MONETARY BONUSES FOR  
EMPLOYEES OF LOCAL GOVERNMENT  
PURSUANT TO  
THE PROVISIONS OF § 15.2-1508 OF THE CODE  
OF VIRGINIA, 1950, AS AMENDED**

**WHEREAS**, pursuant to Virginia State Code Section §15.2-1508, which authorizes localities in the Commonwealth to issue monetary bonuses to the officers and employees of the localities; and

**WHEREAS**, the payment of such bonuses, under state law, must be authorized pursuant to ordinance; and

**WHEREAS**, a duly advertised public hearing was held on June 21, 2011, to consider an ordinance amendment to authorize the payment of bonuses to county officers and employees; and

**WHEREAS**, the Board of Supervisors is desirous of amending the County Code to authorize payment of bonuses to County officers and employees in appropriate circumstances; and

**NOW BE IT THEREFORE ORDAINED**, by the Franklin County Board of Supervisors, this 21<sup>ST</sup> day of June 2011, that Franklin County may pay monetary bonuses to its officers and employees as provided for in Virginia State Code Section §15.2-1508.

*THIS ORDINANCE TO BE EFFECTIVE IMMEDIATELY UPON ITS ADOPTION BY THE BOARD OF SUPERVISORS*

**(RESOLUTION #08-05-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise for public hearing the adoption of an ordinance establishing monetary bonuses for employees of local government pursuant to the provisions of 15.2-1508 of the Code of Virginia, 1950, as amended.

MOTION BY: David Cundiff

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Cundiff, Angell, Johnson, Thompson & Wagner

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**CHAPTER 22 RE-WRITE CONTINUATION**

Larry Moore, Assistant County Administrator, summarized with the Board, Franklin County has been working on a re-write in its entirety of the standard specifications for water and sewer systems within the County Code under Chapter 22. This re-write as presented continues the necessary provisions relating to Western Virginia Water Authority (WVWA), the Virginia Department of Health (VDH) and unique standards/characteristics relative to Franklin County. The document has been closely looked at to include adopted WVWA standards where applicable. Close attention has been provided to meet the requirements of the VDH. To resolve the potential for future confusion, arrangements have been made within the document to reference WVWA standards where appropriate.

As the Chapter 22 re-write was being completed, a representative of Key Lakewood subdivision made a request to the Board on December 16, 2010, regarding the County’s water ordinances and a request for a variance under certain provisions of the code. Specific questions were raised regarding mandatory connections to new and existing systems, system failures of existing systems and a definition of “failure”.

After several months of consultation with professional water/sewer engineers, WVWA, VDH, Development Services and the local Fire Marshall, staff feels the proposed re-write addresses the questions posed by Key Lakewood residents, necessary amendments to the Franklin County Chapter 22 ordinances and the inclusion of reference to WVWA and VDH standards as required or necessary to maintain systems of quality and quantity to meet federal, state and local regulations to protect the health and welfare of all affected citizens. Letter of proposal for the definition of failed system as prepared by Chris Fewster is submitted. If approved as presented, the actual text defining a failed system can be found under Section 22-22: Definitions and shall be as follows:

*“A failed system shall be any system that is unable to meet the capacity and water quality standards as set forth by VDH and DEQ regulations. A system will not be deemed failed for routine maintenance or repairs unless a modification of the existing VDH or DEQ permit is required. (Re-drilling is not considered routine maintenance)”*

Mr. Moore shared with the Board a letter from Anderson and Associates stating, per the request by the Board of Supervisors at the public hearing on April 19, 2011, they have reviewed the definition of a failed system as it would apply to the repair and maintenance of a well and specifically the reaming out of an existing well or relocating and redrilling an existing well. We have discussed the matter with the Western Virginia Water Authority and the local and state Department of Health. The following is a summary of our discussions.

The Virginia Department of Health (VDH) is responsible for regulating all public water supply wells. Based on conversations with the district engineer, it is not unusual for there to be instances during times of drought that a well reduces production and the well owner requests to ream out the well deeper to increase storage. The district engineer felt that this would be a maintenance item and would not require a permit modification. However if a well collapsed or the pump was unable to be pulled and a new well needed to be drilled adjacent to the existing well, this would be considered a replacement well and a permit modification would be required and it would be treated very similar to a new well source.

The Franklin County Health Department is responsible for regulating all private water supply wells that are not under the jurisdiction of VDH. Based on our conversations with the environmental health representative, there have been previous instances when reaming out an existing well deeper or redrilling replacement well have occurred. However under the local Health Department, both instances require a modification of the existing permit. This is in part due to the fact that many private wells do not have adequate documentation of their construction and development, and the permitting process allows the Health Department an opportunity to ensure that wells meet the drinking water standards.

In consideration of the above input from the local and state Department of Health, we recommend that the County adopt the following definition of a failed system:

“A failed system shall be any system that is unable to meet the capacity and water quality standards as set forth by VDH and DEQ regulations. A system will not be deemed failed for routine maintenance or repairs unless a modification of the existing VDH or DEQ permit is required. (Re-drilling is not considered routine maintenance)”

We feel that this definition is reasonable and allows for normal repairs and maintenance of a private or public water supply well, and it promotes the connection to the Countywide water system when an existing water supply well is unable to meet the capacity and water quality requirements for a well.

General discussion ensued on the revised definition of a failed system shall be as follows:

***“A failed system shall be any system that is unable to meet the capacity and water quality standards as set forth by VDH and DEQ regulations. A system will not be deemed failed for routine maintenance or repairs. Re-drilling will be subject to VDH approval***

**RECOMMENDATION:**

Staff is seeking the Board's approval of the proposed definition of a system failure for the purpose of adopting the proposed Chapter 22 re-write as presented.

**(RESOLUTION #09-05-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt the Chapter 22 Re-Write as advertised (*Public Hearing Held on 4-19-2011*), with the inclusion of the definition of a failed system to read as follows:

“A failed system shall be any system that is unable to meet the capacity and water quality standards as set forth by VDH and DEQ regulations. A system will not be deemed failed for routine maintenance or repairs. Re-drilling will be subject to VDH approval.

MOTION BY: Russ Johnson

SECONDED BY: Wayne Angell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Cundiff, Angell, Johnson, Thompson & Wagner

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## CENTER ON THE LAKE

Russ Johnson, Gills Creek District Supervisor, presented the following PowerPoint presentation:

# Center at the Lake



**MOTION: TO SUPPORT THE FUNDING OF  
CENTER AT THE LAKE AS FOLLOWS:**

- |            |           |  |
|------------|-----------|--|
| •Phase I   | \$600,000 | - When conditions are met              |
| •Phase II  | \$500,000 | - July, 2012 (when conditions are met) |
| •Phase III | \$400,000 | - July, 2013 (when conditions are met) |

Phase I - \$600,000

CONDITIONS

- **Tobacco Commission funding of \$1.5 million.**
- **Hire an Executive Director.**
- **Obtain Agreements from Willard Properties and Center at the Lake for the return of the \$600,000 to the County.**

Phase II - \$500,000

CONDITIONS

- **Complete survey of County for programming desires and facility uses. Develop a plan and budget to achieve.**
- **Collect \$500K in-hand or in-hand money plus 75% of pledges (or obtain bank financing for the difference)**
- ***Option* – Matching Funds**

Phase III - \$400,000

CONDITIONS

- **Collect \$400K in-hand or in-hand money plus 75% of pledges (or obtain bank financing for the difference)**
- ***Option* – Matching Funds**

## General Conditions

1. \$5.6 Million must be collected by June 30, 2014 or All funds are to be returned to the County.
2. County Administrator is to oversee all agreements and to verify all collected and pledged funds, bank financing agreements, and land transactions. In all cases, the County Administrator’s decisions and guidance shall be considered as binding unless the Board chooses to direct otherwise.
3. 50 cents per ticket reserved for local programming.

## GOAL: To Increase Tax Revenues to the County:

### Direct

- Keeping existing tourists here longer.
- Attracting new tourists.

### Indirect

- Support local business.
- Attract new business.
- Encourage visitors to move here

**Convert a Seasonal Economy into a Yearly Economy**

## Comments

A “Good” Business Proposal.....  
Franklin County contributes 26%  
of the money and receives 100% of  
the benefits.

Comments

“The County Must Go First.”

Comments

The dollars generated by this business add more to the bottom line of the County than those of a comparable traditional business.

Comments

This project is for Everyone in Franklin County.

Comments

All of the money is protected and  
can be returned.

Comments

Money is Available to do this....

**The Future is Like Heaven –  
Everybody Exalts it, but no  
one wants to go there.**

**THE FOLLOWING PEOPLE EXPRESSED THEIR SUPPORT FOR THE PROJECT:**

Ron Willard, Sr., President of Willard Companies, Inc.  
Vicky Gardner, Executive Director, SML Chamber of Commerce  
Steve Dorr, President, Center At The Lake,  
Elizabeth Greer

Frank Chanowski  
Penney Edwards Blue  
Philip Sheridan

**THE FOLLOWING PEOPLE EXPRESSED THEIR OPPOSITION FOR THE PROJECT.**

John Lipscomb  
Maggie Gray  
Jerry Modaro

**(RESOLUTION #10-05-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the funding for the Center At The Lake in \$1.5 million with funding increments of \$600,000; \$500,000 and \$400,000.00 funding over the next two years.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Cundiff, Johnson,

NAYS: Mitchell, Thompson, Angell, Thompson & Wagner

THE MOTION FAILED WITH A 2-5 VOTE.

\*\*\*\*\*

**BOARD'S SUMMER RETREAT**

Richard E. Huff, II, County Administrator, advised the Board Friday, July 8, 2011, has been set for an all day Board retreat. Mr. Huff stated the Board Retreat will be held at the Heatherwood Clubhouse in Boones Mill.

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***APPOINTMENTS:***

***Step, Inc. 3-Yr. Term (Term Expires 6/30/2011)***

3 Citizen Appointments

***Recreation Commission 3-Yr. Term (Term Expires 6/30/2011)***

Rocky Mount District

***Patrick Henry Community College Board – 4-Yr. Term (Term Expires 6/30/2011) (See Attachment #8)***

Citizen Appointment (*See Attachment #2*)

***David Cundiff, Union Hall District Supervisor***

REF: 1. Board of Supervisor's Tour/Glade Hill Volunteer Fire Department

The Board will individually visit the site prior to the next Board meeting.

\*\*\*\*\*

**(RESOLUTION #11-05-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to re-appoint Florella Johnson, Cindy Treadway and Charles Wagner to serve on the STEP Board with said terms to expire June 30, 2014.

MOTION BY: David Cundiff

SECONDED BY: Ronnie Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Cundiff, Angell, Johnson, Thompson & Wagner

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**(RESOLUTION #12-05-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to re-appoint Doug Beatty, Rocky Mount District to serve on the Recreation Commission with said term to expire June 30, 2014.

MOTION BY: David Cundiff

SECONDED BY: Ronnie Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Cundiff, Angell, Johnson, Thompson & Wagner

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**(RESOLUTION #13-05-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Mr. Sam Cook to serve on the Patrick Henry Community College Board with said term to expire 6/30/2015.

MOTION BY: Wayne Angell

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Cundiff, Angell, Johnson, Thompson & Wagner

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Chairman Wagner recessed the meeting for dinner.

\*\*\*\*\*

Chairman Wagner called the meeting to order.

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Chairman Wagner recessed the meeting for the previously advertised public hearings as follows:

**PETITION FOR REZONE** – Petition of Ronald Willard II/Petitioner and Willard Construction of Smith Mountain Lake, LLC/ Owner to rezone property consisting of 2.28 acres (a portion of 49.39 acres) to PCD, Planned Commercial District with proffers and deviations, for the purpose to amend the conceptual plan for Westlake Towne Center to allow wine, spirits production (licensed), a restaurant and associated retail business as well as a roof mounted sign not to exceed 144 square feet in total area. The subject property is currently zoned PCD, Planned Commercial District with proffers. The subject property is located on Route 122 North in the Gills Creek Magisterial District of Franklin County and is identified in the Franklin County Real Estate Tax Records as Tax Map 30, Parcel # 52. The Future Land Use Map of the Franklin County Comprehensive Plan identifies this area as an unincorporated town. The Comprehensive Plan does not provide a stated density range for this area. The proposed PCD zoning with proffers and deviations does not prescribe a specific density. (Case # REZO-3-11-8119)

Mr. Holthouser, Director of Planning & Community Development, stated the applicant requests to rezone property consisting of approximately 2.28 acres (a portion of 49.39 acres) to PCD, Planned Commercial Development District, with proffers and deviations, for the purpose of amending the conceptual plan for Westlake Towne Center to allow wine, spirits production (licensed), a restaurant and associated retail business as well as a roof mounted sign not to exceed 144 square feet in total area. The subject property is currently zoned PCD, Planned Commercial District with proffers.

The subject property is located on Route 122 North in the Gills Creek Magisterial District of Franklin County and is identified in the Franklin County Real Estate Tax Records as Tax Map 30, Parcel # 52. The Future Land Use Map of the Franklin County Comprehensive Plan identifies this area as an unincorporated town. The Comprehensive Plan does not provide a stated density range for this area. The proposed PCD zoning with proffers and deviations does not prescribe a specific density.

**RECOMMENDATION:**

The Planning Commission held a public hearing on April 12, 2001, in consideration of this rezone request. The Planning Commission voted (5-0, 2 members absent) to recommend that the Board of Supervisors approve the rezone request to allow for an amendment to the concept plan for an area of approximately 2.28 acres of the Westlake Towne Center, designated on the proposed concept plan as Lot 20A.

The Planning Commission recommended that the Board accept the applicant's proffer #1 related to substantial conformance to the proposed concept plan, but NOT accept proffer #2 related to a proposed roof-mounted sign.

The Planning Commission recommended that the Board approve the applicant's deviation request #1 to allow for wines/spirits manufacturing as a permitted use. The Planning Commission recommended that the Board deny the applicant's deviation requests #2 and #3, related to the design and location of a roof-mounted sign.

Planning staff concurs with the Planning Commission's recommendation.

**BACKGROUND:**

The subject property is owned by Willard Construction of Smith Mountain Lake. The property is currently zoned PCD with proffers and consists of +/- 2.28 acres (a portion of 49.39 acres), and is located within the Westlake Towne Center. The +/- 2.28 acres (Lot 20A) subject to this petition is a portion of the current Lot 20 of the Westlake Towne Center as shown on the Conceptual Plan, and has an existing designation for 8,000 square feet of general office space.

The applicant/owner wishes to amend the concept plan that was approved by the Board of Supervisors in Rezone Case A02-01-01, and dated 5/20/2002, relating specifically to Lot 20. The applicant is proposing separate Lot 20 allowing the creation of Lot 20A, for the purpose of a micro-brewery (wine, spirits production (licensed)), a restaurant, and associated retail business.

The use of wine, spirits production is not listed as a permitted use in the Planned Commercial Development District; however, through a deviation, the applicant is requesting that this use be permitted for this subject property.

In addition to the above mentioned use deviation, the applicant is also requesting a deviation to allow a roof-mounted sign and a deviation to allow a free-standing sign in excess of one hundred (100) square feet. Specifically, the requested deviation is to allow for the roof-mounted sign to not exceed one hundred and forty-four (144) square feet in total sign area.

The remainder of the Westlake Towne Center would continue to be controlled by Rezone Case A02-01-01.

#### **APPLICANT SUBMITTED PROFFERS:**

1. Substantial Conformance: Lot 20A will be developed in substantial conformance to the Conceptual Plan prepared by Lumsden Associates, P.C. dated March 7, 2011.
2. Signage: The sign design for Lot 20A will be in substantial conformance to the sign design shown on the Schematic Brewery Plans and Elevations prepared by Papit Architecture & Design dated 3 March 2011. Signage may be provided on the building as shown on the elevations prepared by Papit Architecture & Design. Additionally, a sign not exceeding eight (8) feet in height above the roof grade and not exceeding one-hundred and forty-four (144) square feet in total area may be mounted on the roof of the micro-brewery. The roof-mounted sign is optional. Signage addressing any other use on this parcel, such as the restaurant, shall comply with Franklin County Code and the Westlake Village Center Overlay District regulations.

#### **APPLICANT REQUESTED DEVIATIONS:**

1. Deviation to Section 25-391-Permitted Uses-To allow for licensed wine/spirits manufacturing.  
*Justification: The micro-brewery, which is not currently allowed in the Planned Commercial District, will produce licensed "spirits" or beer.*
2. Deviation to Section 25-399 and 25-156.4-Design Guidelines-To allow for a roof-mounted sign.  
*Justification: The micro-brewery may elect to have a roof-mounted sign similar to the Conceptual Sign Sketch provided in the rezoning package. The roof-mounted sign and signage displayed on the brick fascia are intended to present an attractive, "old fashioned" appeal.*
3. Deviation to Section 25-399 and 25-15.11-To allow for a sign to exceed 100 square feet.  
*Justification: The proposed building will be located approximately 450 linear feet from the Booker T. Washington Highway (Route 122) right of way. In order to effectively view this signage from Route 122, the sign will need to be visually similar to the sign shown on the Schematic Brewery Plans and Elevations. Again, the signage is intended to present an attractive, "old fashioned" appeal.*

#### **PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission held a public hearing in consideration of this rezone request on April 12, 2011.

The Planning Commission voted (5-0, 2 members absent) to recommend the following to the Board of Supervisors:

1. Recommend approval of the rezone request, to amend the concept plan for approximately 2.28 acres of the Westlake Towne Center, designated on the proposed concept plan as Lot 20A. (The balance of the Westlake Towne Center will continue to be governed by the concept plan that was approved by the Board of Supervisors in Rezone Case A02-01-01, dated 5/20/2002.)
2. Recommend acceptance of the applicant's voluntary proffer #1, related to substantial conformance to the concept plan prepared by Lumsden Associates, dated march 7, 2011.

## SITE DETAILS

Tax Map No. 30-52

Zoned: Planned Commercial Development District, with Proffers

Size: +/-2.28 acres  
(p/o +/-49.397 acres)

Gills Creek Mountain Lake Project

Owner: Willard Construction of Smith Mountain Lake, LLC

Applicant: Ronald L. Willard, II

4-12-2011

Willard Construction of SML Rezone

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# EXISTING CONDITIONS AND HISTORY

- Current use of Westlake Towne Center
  - Designed for 8,000 square feet of general office space
- November 21, 2000- Rezoning which created Planned Commercial Development District for the Westlake Towne Center
- January 2002- Rezoning to amend the Commercial Plan with professional assistance
- September 17, 2002- Special Use Permit with conditions for a food center, gasoline service center, shopping center, and movie theater

# REQUESTS

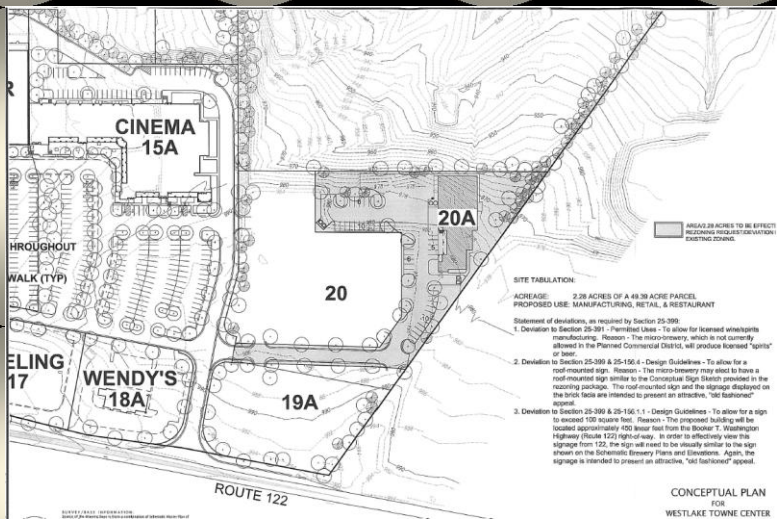
- The applicant wishes to amend the concept plan approved by the BOS in Rezone Case A02-01-01, relating specifically to Lot 20
  - Separate Lot 20, allowing the creation of Lot 20A, for the purposes of a micro-brewery (wine, spirits production (licensed)) restaurant, and associated retail business.
- Deviations
  - Use deviation- to allow micro-brewery
  - Sign deviation- to allow a roof-mounted sign
  - Sign deviation- to allow the roof-mounted sign to not exceed one-hundred and forty-four square feet in area

# REQUESTS

The remainder of the Westlake Towne Center would continue to be controlled by Rezone Case A-02-01-01.



Proposed Concept Plan (Layout) - proffered



4-12-2011

Willard Construction of SML Rezone

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CONCEPTUAL PLAN

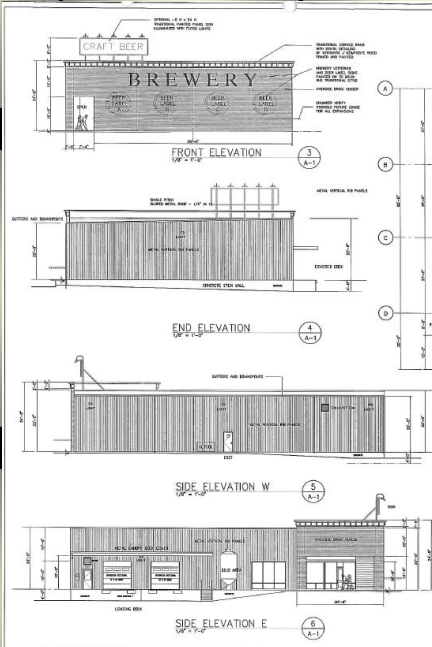
- Proposed conceptual plan shows the location of the proposed buildings and internal traffic circulation.
- The requested deviations and justifications for said are expressly shown on the conceptual plan.
- Signage plans shows a depiction of proposed roof-mounted sign.

4-12-2011

Willard Construction of SML Rezone

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Proposed Signage  
 Plan and Building  
 Elevations  
 (not proffered)



4-12-2011

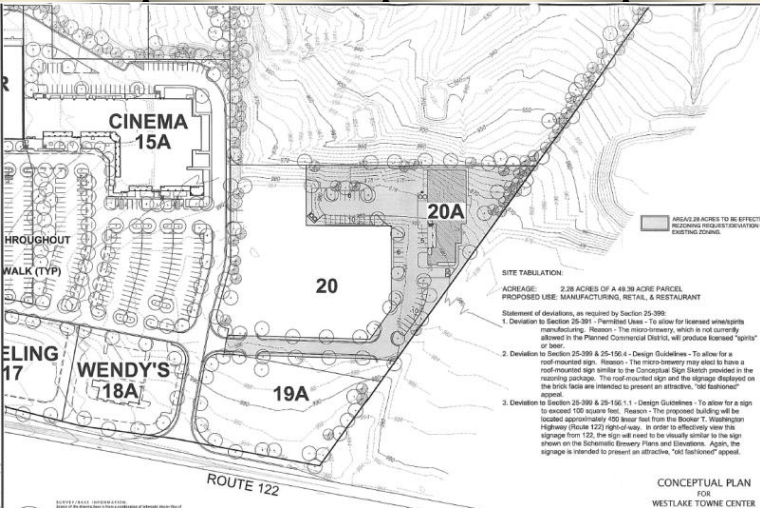
Willard Construction of SML Rezone

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# CONCEPTUAL PLAN

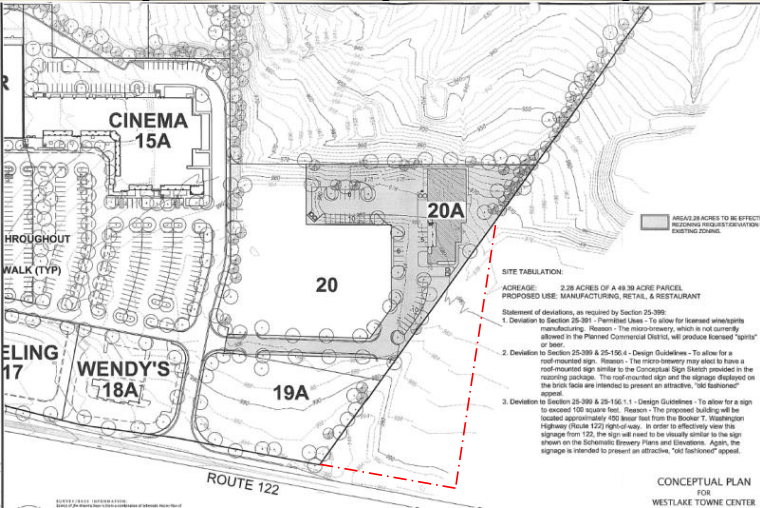
Staff shares the concerns expressed by VDOT in relation to traffic exiting Lot 20A, especially truck traffic, and recommends that the internal traffic circulation plan be revised to have all access oriented towards the proposed future Apron Road and future signalized intersection with Route 122, instead of the existing unsignalized intersection with Route 122 near Wendy's fast food restaurant shown on the Conceptual Plan. A signalized intersection allows for both left and right turning movements into Route 122.

*Applicant has addressed (See future slide)*



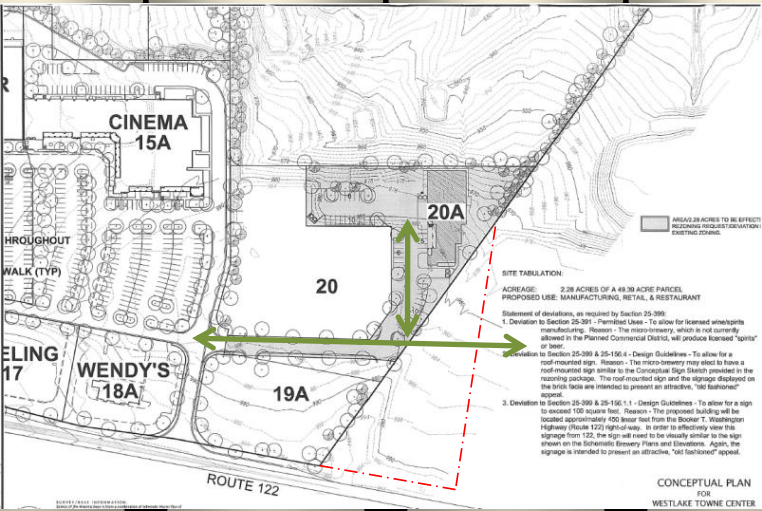
Approximate location of future intersection

## Proposed Concept Plan (Layout)



Approximate location of future intersection

## Proposed Concept Plan (Layout)



Approximate location of future intersection

Proposed Concept Plan (Layout)

4-12-2011

Willard Construction of SML Rezone

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Planned Commercial Development District (PCD)

- The purpose of this district is to promote the efficient use of commercial land by allowing a wide range of uses and various densities and flexible application of development controls. The district encourages achievement of these goals while also protecting surrounding property, natural features and scenic beauty.
- The PCD district recognizes that many commercial, office and residential establishments seek to develop within unified areas, usually under single ownership or control. Because these concentrations of retail, service and office establishments are generally stable and offer unified internal arrangement and development, potentially detrimental design effects can be recognized and addressed during the review of the development. For these reasons, the PCD district allows flexibility through the adjustment of certain lot, setback and use restrictions. Districts shall be proposed and planned in areas that provide adequate development and expansion, controlled access, landscaped parking and public utility. A PCD district shall be used in accordance with the Comprehensive Plan, Willard Construction of SML Rezone and the densities in the site plan.
- [The] PCD district should be a visual asset to the community. Buildings within the district is to be architecturally similar in style and the relationship among individual establishments should be harmonious. The site should be well landscaped and parking and loading areas are to be screened.

4-12-2011

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Deviations in PCD

- The PCD district allows flexibility through the adjustment of certain lot setbacks, design guidelines and use restrictions. Any such deviation must be expressly shown on the concept plan and approved by the Board of Supervisors after a lawfully advertised public hearing with the Planning Commission and the Board of Supervisors. Any deviation shall be kept in keeping with the purpose of the PCD district, the intent of the Zoning Ordinance, the Comprehensive Plan and the design guidelines of the PCD.

4-12-2011

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# Consistency with Zoning Ordinance

- The proposed uses being requested by the applicant are consistent with the intent of the PCD District. As stated in item (b), the PCD District allows flexibility through the adjustment of certain lot setbacks, design guidelines and use restrictions.
- While the Planned Commercial Development District allows the flexible application of development controls through deviations to the PCD Design Guidelines, including signage, staff is unaware of past approvals of deviations that permit roof mounted signs, which are prohibited under signage regulations in Section 25-156.4. Initially, the applicant requested permission to allow said roof mounted sign to exceed the maximum signage area allowed for free-standing signs in the PCD district (Section 25-156.11).

2-8-2011

Bluezone/SUP

17

# COMPREHENSIVE PLAN

- 2025 Comprehensive Plan  
– Unincorporated Town of Westlake
- The existing and proposed PCD zoning of the subject property is consistent with the Future Land Use Map of the Franklin County 2025 Comprehensive Plan which states that the property is located within the Unincorporated Town of Westlake.
- Lot 20A is the subject of the applicant's request is located on an internal lot within the Westlake Town Center, and as such the proposal to amend the conceptual plan to provide for a new building on this lot is consistent with the policy to encourage infill development.
- The proposed uses will be served by public water and public sewer.

2-8-2011

Bluezone/SUP

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# COMPREHENSIVE PLAN

There should be coordination of access to enhance the quality of entry points. Staff shares the concerns expressed by VDOT in relation to traffic exiting Lot 20A, especially truck traffic, and recommends that the internal traffic circulation plan be revised to provide access to and toward the proposed future Nelson Road and future signalized intersection with Route 122. *Applicant has addressed (future slide).*

4-12-2011

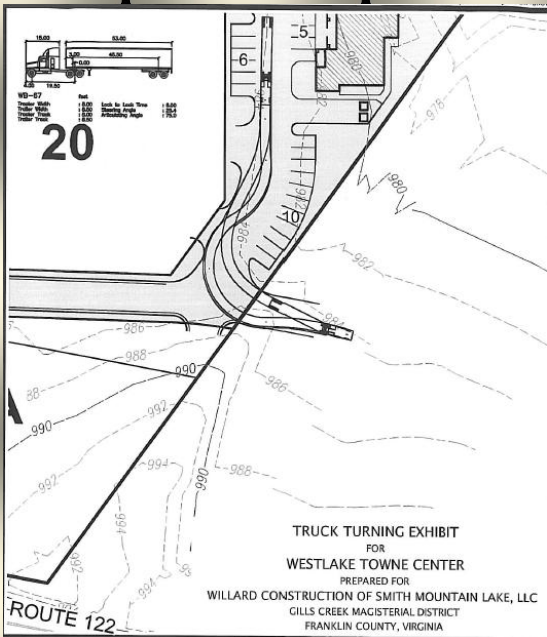
Bluezone/SUP

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# COMPREHENSIVE PLAN (Continued)

The Comprehensive Plan does not speak to signage and as such does not provide guidance in relation to the deviation requests for signage. However policy # 5, in providing guidance relating to new developments states that viewsheds should be preserved.

## Truck Turning Exhibit



## Applicant Response to Internal Traffic Movement Concerns

- The brewery hours of operation will be from 9:00am to 7:00pm Monday-Saturday. Internal operations will be open for visitation/production on Thursday – Saturday 10:00am – 7:00pm.
- The brewery will employ around 6 people, with potential for additional hires over the course of the business.
- The maximum size truck that will visit the brewery for shipments would be a full size semi truck. Deliveries should be done Monday-Friday normally early morning and late evening.
- They will not accept any truck orders after hours.
- The owner of the brewery has informed me that all truck drivers will be advised that they are only able to enter 122 via a stoplight area. In the beginning the trucks will use the completed stop light at the corner of 122 and Westlake Road. Once the new frontage road is completed on the adjacent land the trucks will use the new stoplight intersection to enter 122.

APPLICANT SUBMITTED PROFFERS

- **Substantial Performance:** Lot 20A will be developed in substantial conformance to the Conceptual Plan prepared by Lunsden Associates, P.C. dated 7 March 2011.
- **Signage:** The sign design for Lot 20A will be in substantial conformance to the sign design shown on the Schematic Brewery Plans and Elevations prepared by Papit Architecture & Design dated 3 March 2011. Signage may be provided on the building as shown on the elevations prepared by Papit Architecture & Design. Additional signage not exceeding eight (8) feet in height above the roof grade and not exceeding one-hundred and forty-four (144) square feet of total area may be mounted on the roof of the building. The roof-mounted signage shall be of a traditional design and shall not include any other use of the parcel, such as a billboard. Signage shall comply with Franklin County Code and the Westlake Village Zoning Overlay District regulations.

4-12-2011Willard Construction of SML Rezone23

APPLICANT SUBMITTED DEVIATIONS

- **Deviation to Section 25-391-Permitted Uses-To allow for licensed wine/spirits manufacturing.**  
*Justification: The micro-brewery, which is not currently allowed in the Planned Commercial District, will produce licensed "spirits" or beer.*
- **Deviation to Section 25-399 and 25-156.4-Design Guidelines-To allow for a roof-mounted sign.**  
*Justification: The micro-brewery may elect to have a roof-mounted sign similar to the Conceptual Sign Sketch provided in the rezoning package. The roof-mounted sign and signage displayed on the building facade are intended to present an attractive, "old fashioned" appeal.*
- **Deviation to Section 25-399 and 25-15.11-To allow for a sign to exceed 100 square feet.**  
*Justification: The proposed building will be located approximately 450 linear feet from the Booker T. Washington Highway (Route 122) right of way. In order to effectively view this signage from Route 122, the sign will need to be visually similar to the sign shown on the Schematic Brewery Plans and Elevations. Again, the signage is intended to present an attractive, "old fashioned" appeal.*

4-12-2011Willard Construction of SML Rezone24

Mr. Ron Willard, II, presented his requests.

Public Hearings were opened.

No one spoke as to the requests.

Public Hearings were closed.

**(RESOLUTION #14-05-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to grant the deviations for Lot 20-A for the petitioner’s request in accordance with 25-391, 25-399, 25-156.4 and 25-15.11 as follows:

Case # REZO-3-11-8119, Ronald Willard, II

***Deviations***

1. Deviation to Section 25-391, permitted uses to allow for licensed wine/spirits manufacturing.
2. Deviation to Section 25-399 and 25-156.4-Design Guidelines-To allow for a roof-mounted sign.
3. Deviation to Section 25-399 and 25-15.11-To allow for a sign to exceed 100 square feet, provided that the sign, if illuminated, is illuminated with down-casting full cut off lighting and/or by internally illuminated lettering.

MOTION BY: Russ Johnson  
SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Cundiff, Johnson, Thompson & Wagner

ABSENT: Angell

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**(RESOLUTION #15-05-2011)**

BE IT THEREFORE ORDAINED, by the Board of Supervisors to approve the aforementioned rezoning with proffers, whereby the proposed rezoning will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare, will promote good zoning practice and is in accord with Section 25-730 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended with the following proffers and deviations:

Approved Proffers and Deviations:

1. Substantial Conformance: Lot 20A shall be developed in substantial conformance to the concept plan prepared by Lumsden Associates, P.C. dated March 7, 2011.
2. Signage: The sign design for Lot 20A will be in substantial conformance to the sign design shown on the Schematic Brewery Plans and Elevations prepared by Papit Architecture & Design dated 3 March 2011. Signage may be provided on the building as shown on the elevations prepared by Papit Architecture & Design. Additionally, a sign not exceeding eight (8) feet in height above the roof grade and not exceeding one-hundred and forty-four (144) square feet in total area may be mounted on the roof of the micro-brewery. The roof-mounted sign is optional. Signage addressing any other use on this parcel, such as the restaurant, shall comply with Franklin County Code and the Westlake Village Center Overlay District regulations.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Cundiff, Johnson, Thompson & Wagner

NAYS: Ronnie Thompson

ABSENT: Angell

THE MOTION PASSED WITH A 5-1-0-1 VOTE.

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**CLOSED MEETING**

**(RESOLUTION #16-05-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-3, Acquisition of Land, and a-29, Contracts, of the Code of Virginia, as amended.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Cundiff, Johnson, Thompson & Wagner

ABSENT: Angell

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MOTION: Ronnie Thompson

SECOND: David Cundiff

**RESOLUTION: #17-05-2011**

**MEETING DATE May 17, 2011**

WHEREAS, the Franklin County Board of Supervisors has convened an closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act: and

WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this Franklin County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Franklin County Board of Supervisors.

VOTE:

AYES: Mitchell, Thompson, Cundiff, Johnson, Thompson & Wagner

NAYS: NONE

ABSENT DURING VOTE: Angell

ABSENT DURING MEETING: NONE

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**(RESOLUTION #18-05-2011)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize staff to advertise per State Code Section 15.2-1903(B) of the 1950 Code of Virginia, as amended, an ordinance directing the acquisition for public use by condemnation of that parcel of land, being identified on the Franklin County land records as Tax Map #66-17, located at the intersection of Kemp Ford Road and Stadiford Road, containing 1 acre, located north of the village of Union Hall Baptist Church.

MOTION BY: Russ Johnson  
SECONDED BY: Ronnie Thompson  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Thompson, Cundiff, Johnson, Thompson & Wagner  
ABSENT: Angell

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Chairman Wagner adjourned the meeting.

\_\_\_\_\_  
CHARLES WAGNER  
CHAIRMAN

\_\_\_\_\_  
RICHARD E. HUFF, II  
COUNTY ADMINISTRATOR